

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

MARCUS A GREEN

Claimant

and

AMAZON COM SERVICES INC

Employer

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HEARING NUMBER: 22B-UI-02498

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.6-2

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Board adds the following to the Findings of Fact:

In his appeal filed on January 3, 2022 the Claimant stated he “was the only one that participated in the fact-finding hearing on December 28, 2021.” The December 28, 2021 fact finding took place after the decision was issued in this matter. That fact finding was concerning the Claimant’s employment with Ralph Lauren.

The Board adds the following to the Conclusions of Law:

We do not find the Claimant has shown through *credible* evidence that the decision in this matter was postmarked on December 20, nor has the *credible* evidence established that he received the December 14, 2021 reference 01 decision on January 3, 2022. Any number of documents might be received from IWD postmarked on December 20, including the notice of the December 28 fact finding in the Ralph Lauren matter. We do not find credible the claim that the envelope enclosing the Ref 01 decision was in fact postmarked on December 20. The evidence submitted by the Claimant arguing for late postmark and late receipt is not credited by this Board. This evidence was not sufficiently definite nor sufficiently particular to be convincing. We further note that the fact that the Claimant refers to the fact finding of the Ralph Lauren matter in his January 3 appeal tends to undermine his claim that the decision in the *Amazon.com* matter was the decision received on January 3.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

RRA/fnv