BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor Des Moines, Iowa 50319

	:
JENNIFER S SMITH	:
	: HEARING NUMBER: 20B-UI-06725
Claimant	:
	:
and	: EMPLOYMENT APPEAL BOARD
	: DECISION
IOWA STATE UNIVERSITY	:
	:
Employer	:

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed July 13, 2020. The notice set a hearing for July 29, 2020 at 9:00 a.m. The Claimant registered her contact information online as directed by the notice. On the day of the hearing, the Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because the Claimant had taken newly prescribed medication that caused her to oversleep, and she was unable to answer the call to participate. She provided a doctor's note explaining the side effects of the medication.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2019) provides:

4. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The appeal board shall permit such further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

Here the Claimant complied with the notice instructions by providing her contact information, but due to circumstances she did not foresee, i.e., reaction to new medication, she was unable to answer the call to participate. The Claimant provided medical documentation to corroborate her assertion, which we find establishes good cause for her nonparticipation. It is clear she intended to follow through with the appeals process. For this reason, the matter will be remanded for another hearing before an administrative law judge so that the Claimant may avail herself of her due process right.

We caution the Claimant that, barring exceptional circumstances, we will not again excuse a failure to call in a number where the Claimant could be reached.

DECISION:

The decision of the administrative law judge dated August 5, 2020 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge in the Workforce Development Center, Appeals Section. The administrative law judge shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

Ashley R. Koopmans

James M. Strohman

AMG/fnv

Myron R. Linn