

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

DUSTIN HANSON

Claimant,

and

IOWA WORKFORCE DEVELOPMENT

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HEARING NUMBER: 07B-UI-07399

EMPLOYMENT APPEAL BOARD
DECISION AFTER
GRANTED REHEARING

NOTICE

THIS DECISION BECOMES FINAL unless a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

SECTION: 10A.601 Employment Appeal Board Review

DECISION

STATEMENT OF THE CASE:

The claimant filed an application for rehearing on the above-listed matter that was granted based on the fact the claimant did not receive the Notice of Hearing in time to participate in the August 16, 2007 hearing. The Board reopened the matter in order to consider the claimant's reason for his nonparticipation. The Board is now ready to issue its decision.

FINDINGS OF FACT:

The notice of hearing in this matter was mailed August 3, 2007. The notice set a hearing for August 16, 2007. The claimant did not appear for or participate in the hearing. The reason the claimant did not appear is because the notice was sent to a street address, instead of the P.O. Box address. The claimant did not receive the notice in time to participate, as he did not know the hearing was to take place.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2005) provides:

5. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of a 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 did not participate in the hearing through no fault of the claimant. The claimant did not receive the Notice of Hearing in time to participate due to an incorrect mailing. For this reason, the matter will be remanded for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated August 16, 2007 is not vacated. 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.

Elizabeth L. Seiser

Mary Ann Spicer

John A. Peno

AMG/fnv