

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

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JASON P DRAPER

Claimant,

and

SECURITAS SECURITY SERVICES USA  
INC

Employer.

HEARING NUMBER: 09B-UI-15889

EMPLOYMENT APPEAL BOARD  
DECISION

**SECTION:** 10A.601 Employment Appeal Board Review

**FINDINGS OF FACT:**

A hearing in the above matter was held November 19, 009. The administrative law judge's decision was issued November 20, 2009. The administrative law judge's decision has been appealed to the Employment Appeal Board regarding the issue of timeliness to the administrative law judge. The record of the hearing before the administrative law judge cannot be fully reviewed because there is no appeal letter to the administrative law judge in the file.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2009) provides:

5. 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.

Since the record of the hearing before the administrative law judge is incomplete due to lack of an appeal letter to the administrative law judge, the Employment Appeal Board cannot render a decision on the timeliness of the appeal. This matter must be remanded for the limited purpose of retrieving the appeal letter.

**DECISION:**

The decision of the administrative law judge dated November 20, 2009, is not vacated at this time. This matter is remanded to an administrative law judge in the Workforce Development Center, Appeals Section, for further action consistent with the Board's decision. The Board hereby retains jurisdiction over this appeal pending receipt of the appeal letter that was filed with the Appeals Section. If no such letter is found, please return the file to the Employment Appeal Board for further action.

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John A. Peno

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Elizabeth L. Seiser

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Monique F. Kuester

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