

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

SCOTT A THELKE

Claimant

: **APPEAL NUMBER:** 23B-UI-07501

: **ALJ HEARING NUMBER:** 23A-UI-07501

:

and

:

**EMPLOYMENT APPEAL BOARD
DECISION**

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IWD INTEGRITY BUREAU

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SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

On March 21, 2023 the Claimant received a decision stating that his application for a waiver of Cares Act Benefits was incomplete. That decision stated that “a new complete application can be submitted for review and will [be] processed.” The Claimant did submit a new application on March 24, 2023 in submission number 10187. After not hearing the Claimant filed an appeal in July because the March 21 decision had appeal rights on it. Of course, appeal rights don’t make much sense where all that needs to be done is to try again with the missing information. The agency has not yet addressed the March 24, 2023 application for waiver (submission 10187). We now remand for it to do so.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2023) 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 followed the directions and filed a new application for waiver. It appears that the application has been overlooked. We remand this matter to Iowa Workforce, Benefits Bureau to address the Claimant’s March 24, 2023 application for waiver (submission 10187).

DECISION:

This matter is remanded to Iowa Workforce Development, Benefits Bureau to address the Claimant's March 24, 2023 application for waiver (submission 10187).

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

RRA/fnv