

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

ELIZABETH THURMAN

Claimant,

and

GENERAL NOVELTY LTD

Employer.

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HEARING NUMBER: 14B-UI-10605

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

D E C I S I O N

FINDINGS OF FACT:

The notice of hearing in this matter was mailed October 14, 2014. The notice set a hearing for November 3, 2014. The Claimant provided a telephone number where she could be reached to participate in the hearing. On the day of the hearing, however, the Claimant did not participate. The reason the Claimant did not appear is because the Claimant did not receive the call after she clocked out for lunch and sat in her car anticipating the call. The Claimant waited over 20 minutes before returning to work and clocking back in. She did not know the hearing was taking place. At the end of her shift, she contacted the agency at 4:12 p.m. regarding the hearing. The administrative law judge called her back approximately 15 minutes later.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2011) provides:

4. 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 complied with the notice requirements by providing a telephone number and taking measures to be available for the call that did not come. It is clear the Claimant had every intention to follow through with the appeals process. The Claimant provided a phone record to corroborate that she never received a call from the administrative law judge at the time of the hearing. It wasn't until after she contacted the agency at the end of her shift that the administrative law judge returned her call, which is shown on the phone record. Based on this information, the Board finds that for some unknown reason, the call to the number provided by the Claimant was not completed. As such, we conclude that good cause for her nonparticipation has been established, and this matter will be remanded for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated November 6, 2014 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau. 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.

Kim D. Schmett

Ashley R. Koopmans

AMG/fnv

DATED AND MAILED _____

Copies to:

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