

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 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 in light of the new and additional information presented, the Board is unable to render a fair decision without taking it into consideration. For this reason, the Board shall remand this matter back to the administrative law judge in order that the record be reopened for the acceptance of the accept this new and additional information. The parties shall be allowed to present further testimony and cross-examination, respectively, as it relates to the claimant's separation.

DECISION:

The decision of the administrative law judge dated October 30, 2007, is not vacated at this time. 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 new decision in consideration of the new and additional evidence, which provides the parties appeal rights.

Elizabeth L. Seiser

John A. Peno

Mary Ann Spicer

AMG/kjo