

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

MARTY ACKERMANN

Claimant

: **APPEAL NUMBER:** 23B-UI-05830

: **ALJ HEARING NUMBER:** 23A-UI-05830

:

and

:

**EMPLOYMENT APPEAL BOARD
DECISION**

:

CAVEMAN ADVENTURES

:

:

Employer

:

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

A hearing in the above matter was held June 27, 2023. The administrative law judge's decision was issued July 3, 2023. The administrative law judge's decision has been appealed to the Employment Appeal Board. The audio recording for the hearing ends at approximately 57 minutes during cross-examination of a witness. The Employment Appeal Board is unable to review the entire record.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2015) 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.

The administrative law judge's decision found the Claimant was discharged for no disqualifying reason. However, the audio record is not complete and is insufficient for a review on appeal. Therefore, the Board must remand this matter for a hearing recorded in its entirety.

DECISION:

The decision of the administrative law judge dated July 3, 2023, is not vacated and remains in force unless and until the Department makes a new determination pursuant to this remand. This matter is remanded to an administrative law judge who shall conduct a hearing following due notice to complete the audio record. After the hearing, the administrative law judge shall issue a decision adopting or modifying their prior decision which provides the parties appeal rights.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

SRC/fnv