

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

JOHN R WOLF

Claimant,

and

**PER MAR SECURITY & RESEARCH
CORP**

Employer.

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HEARING NUMBER: 12B-UI-16340

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

D E C I S I O N

FINDINGS OF FACT:

A hearing in the above matter was held January 18, 2012. The administrative law judge's decision was issued January 19, 2012. The administrative law judge's decision has been appealed to the Employment Appeal Board. The record of the hearing before the administrative law judge is incomplete. The claimant went to his local office (IowaWORKS Cedar Valley) from which he faxed four (4) exhibits, including a cover sheet to the Appeals Section the day after he received the Notice of Hearing. (Tr. 19-20) Those documents were not a part of the record on the day of the hearing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2011) 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 cannot be reviewed because the record is incomplete due to the missing exhibits, the Employment Appeal Board cannot review the entire proceeding. This matter must be remanded in order for those documents to be retrieved and considered.

DECISION:

The decision of the administrative law judge dated January 19, 2012 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau, for further development of the record consistent with this decision, unless otherwise already addressed. The administrative law judge shall conduct a hearing following due notice, if necessary. If a hearing is held, then the administrative law judge shall issue a decision which provides the parties appeal rights.

John A. Peno

Monique F. Kuester

AMG/fnv