BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

VALENCIA L METCALF

HEARING NUMBER: 14B-UI-13699

Claimant,

:

and

EMPLOYMENT APPEAL BOARD DECISION

DECISIO

MEDICAL STAFFING NETWORK INC

Employer.

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed December 18, 2013. The notice set a hearing for January 8, 2014. The Employer did not appear for or participate in the hearing. The reason the Employer did not appear is because the Employer was unable to get to the office for several days due to inclement weather to follow through with the notice requirements. Thus, the administrative law judge was not provided a telephone number to call for the hearing.

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 Employer did not participate in the hearing through no fault of the Employer. The Employer intended to follow through with the notice requirements when the Employer received the Notice of Hearing. However, due to a bad snow storm, the Employer was unable to access the office to handle his business affairs as it related to the hearing, timely call in a telephone number. For this reason, the matter will be remanded for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated January 8, 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 admir	nistrative law judge shall
issue a decision which provides the parties appeal rights.	

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