

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

KAYTLIN A FITE	:	
	:	HEARING NUMBER: 22B-UI-25103
Claimant	:	
	:	
and	:	EMPLOYMENT APPEAL BOARD
	:	DECISION
SAFELITE SOLUTIONS LLC	:	
	:	
Employer	:	

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was initially mailed December 29, 2021 for a January 11, 2022 hearing. However, a corrected notice was sent January 12, 2022 for January 25, 2022 hearing. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because the pin number she received did not work, and she was unable to gain access the administrative law judge. The Claimant left a voicemail, but received no return call.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2019) provides:

4. 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.

Here the Claimant did not participate in the hearing because she was unable to gain access to the administrative law judge due to a nonworking pin #. Based on this circumstance, we find good cause has been established for her nonparticipation. For this reason, the matter will be remanded for another hearing before an administrative law judge so that the Claimant may avail himself of his due process right.

We caution the Claimant that, barring exceptional circumstances, we will not again excuse a failure to call in to participate in the hearing.

DECISION:

The decision of the administrative law judge dated February 10, 2022 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. 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 decision which provides the parties appeal rights.

Please note the way you appear at the hearing has changed. When you receive the Notice of Hearing, please read and follow the instructions carefully.

James M. Strohman

Myron R. Linn

AMG/fnv