

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

BRUCE J SHIPLEY

Claimant,

and

CRST VAN EXPEDITED INC

Employer.

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HEARING NUMBER: 09B-UI-05393

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

FINDINGS OF FACT:

A hearing in the above matter was held May 4, 2009. The administrative law judge's decision was issued May 4, 2009. The administrative law judge's decision has been appealed to the Employment Appeal Board. The claimant complied with the administrative law judge's instructions at the hearing to provide documentation with regard to earnings from KLLM.

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 Board is unable to render a decision based on the record as it stands, the Board is remanding to this matter to the Iowa Workforce Development Center, Claims Section, to consider the claimant's additional wages (see attachment) with regard to whether the claimant has requalified for unemployment benefits eligibility pursuant to Iowa Code section 96.5(1)" a" .

DECISION:

The decision of the administrative law judge dated January 30, 2009 is not vacated. This matter is remanded to an administrative law judge in the Workforce Development Center, Claims Section, for further consideration consistent with the administrative law judge's decision.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/ss