

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

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ADAM SCORKERY

Claimant,

and

KLEIMAN CONSTRUCTION INC

Employer.

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HEARING NUMBER: 09B-UI-02185

EMPLOYMENT APPEAL BOARD  
DECISION

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request** for a **REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-1**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

**STATEMENT OF THE CASE:**

The issue of timeliness was raised when the claimant filed an appeal by facsimile, on March 30<sup>th</sup>, 2009, ten days beyond the statutory deadline of March 20, 2009. The reason for the delay was because the claimant's original fax (March 20<sup>th</sup>) did not go through as attested to by the

Print Express. For this reason, we find good cause has been established for the seemingly late appeal, and the board shall consider it to be timely.

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The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

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John A. Peno

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Elizabeth L. Seiser

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Monique F. Kuester

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