

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

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**STEPHEN E LONG**

Claimant,

and

**QWEST CORPORATION**

Employer.

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**HEARING NUMBER: 10B-UI-09331**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**SECTION:** 10A.601 Employment Appeal Board Review

**D E C I S I O N**

**FINDINGS OF FACT:**

The notice of hearing in this matter was mailed July 19, 2010. The notice set a hearing for August 11, 2010. The employer requested a postponement of the hearing, in writing, so as to allow the employer's representative the chance to appear by telephone, while the employer's witness would appear in person. On the day of the hearing, the employer did not appear. The reason the employer did not appear is because the employer did not know the hearing was still taking place since the employer did not yet receive a response to its written request.

The administrative law judge discovered the request at the hearing, at which time the request was denied

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2009) 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 promptly responded to the Notice of Hearing by sending in a written request for postponement since all parties would not be able to appear in person. However, due to some unforeseen circumstance, the administrative law judge did not get the request until the hearing. Based on these circumstances, we find good cause for the employer's nonparticipation. 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 August 12, 2010 is not vacated. 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.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser

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