



thereon, the Board would be able to proceed with the appeal. That not being the case, the Board must remand this matter for a new hearing.

**DECISION:**

The decision of the administrative law judge dated November 5, 2009 is not vacated. This matter is remanded to an administrative law judge in the Workforce Development Center, Appeals Section, for further development of the record consistent with this decision, unless otherwise already addressed. The administrative law judge shall conduct a hearing following due notice, if necessary. If a hearing is held, then 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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Elizabeth L. Seiser

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Monique F. Kuester

AMG/fnv