

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

---

**JODI ROURKE**

Claimant,

and

**SAC & FOX TRIBE**

Employer.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**HEARING NUMBER: 10B-UI-07827**

**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 14, 2010. The notice set a hearing for July 15, 2010. The claimant did not appear for or participate in the hearing. The reason the claimant did not appear is because the claimant had previously requested a postponement when she went to Iowa Workforce Development Center. She spoke with ‘Carla’ who told her the hearing could be postponed until after August 1, 2010. The claimant did not know that the hearing was taking place on its original date.

**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 claimant did not participate in the hearing through no fault of the claimant. The claimant believed in good faith that the hearing was to be postponed based on what ‘Carla’ from the Iowa Workforce Development Center told her. Having established good cause for her nonparticipation on the

original date, this matter will be remanded for another hearing before an administrative law judge.

**DECISION:**

The decision of the administrative law judge dated July 16, 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.

---

John A. Peno

---

Monique F. Kuester

---

Elizabeth L. Seiser

RRA/kk