

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

EMMANUELA ALCIUS

Claimant

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HEARING NUMBER: 22B-UI-23528

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed December 2, 2021. The notice set a hearing for December 14, 2021. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because the Claimant was confused by the different pin numbers she had to call for all her scheduled hearings. The Claimant called in at 3:15 p.m. using the pin number for her 3:00 p.m. hearing. She spoke to the administrative law judge and indicated she'd been trying to gain access since 2:30 p.m. The administrative law judge instructed her call back using a different pin number. The Claimant was unable to gain access again after speaking with the administrative law judge.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2019) provides:

4. 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.

Here the Claimant did not participate in the hearing because she had difficulty navigating the system to gain access to participate in the hearing. When she was finally able to gain access, she learned she used the incorrect pin and was instructed to use another pin. However, she continued to have difficulty gaining access

after speaking with the administrative law judge. The Claimant has demonstrated her intention to follow through with the appeal process. Her inability to gain access prevented her from being able to timely do so. Based on this circumstance, we find good cause has been established for her nonparticipation. For this reason, the matter will be remanded for another hearing before an administrative law judge so that the Claimant may avail herself of her due process right.

We caution the Claimant that, barring exceptional circumstances, we will not again excuse a failure to call in a number where the Claimant could be reached.

DECISION:

The decision of the administrative law judge dated December 22, 2021 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. 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.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

AMG/fnv