

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

LARRY A GOODWIN

Claimant,

and

SKYLARK TRANSPORTATION CO INC

Employer.

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HEARING NUMBER: 08B-UI-07731

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: 871 IAC 26.8(5)

DECISION

STATEMENT OF THE CASE:

The issue of timeliness was raised when the claimant filed his appeal of the administrative law judge's decision on October 9, 2008, 14 days beyond the statutory deadline. The reason for the claimant's untimeliness was because the claimant never received the Notice of Decision. Based on these circumstances, the Board would consider that good cause has been established for the untimeliness. The Board is now ready to issue a decision on the merits of this case.

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**.

A portion of the claimant's appeal to the Employment Appeal Board consisted of additional evidence which was not contained in the administrative file and which was not submitted to the administrative law judge. While the appeal and additional evidence (documents) were reviewed, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision.

In addition, the Board would advise the claimant that if his circumstances have changed with regard to his being able and available for work, he should reapply for weeks other than those which are the subject of this appeal.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

RRA/fnv