

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

PEDRO GOMEZ

Claimant

and

L A LEASING INC

Employer

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HEARING NUMBER: 15B-UI-12569

**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: 96.5-1, 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

STATEMENT OF THE CASE:

The issue of timeliness was raised when the Claimant filed an appeal that was faxed on February 19, 2015, 8 days beyond the statutory deadline of January 27, 2015. The reason for the delay was because the Notice of Decision had been returned to the agency, and was subsequently remailed to the Claimant. He did not receive the decision in time to timely appeal. For this reason, we find good cause has been established for the late appeal, and the board shall consider it to be timely.

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**.

The Employment Appeal Board would also comment that the Claimant's address problems clearly had no effect on why the Claimant didn't attend the hearing. The Claimant established that he had knowledge of the date and time of the hearing based on the fact that he called in late. He simply wasn't available to take the call to participate due to being in the shower.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv