



The Employment Appeal Board concludes that the record as it stands is insufficient for the Board to issue a decision on the merits of the case. As the Iowa Court of Appeals noted in *Baker v. Employment Appeal Board*, 551 N.W. 2d 646 (Iowa App. 1996), the administrative law judge has a heightened duty to develop the record from available evidence and testimony given the administrative law judge's presumed expertise. Since the Notice of Hearing set forth a different issue than the one that was adjudicated, the Board must remand this matter for the taking of additional evidence to determine whether the Claimant was able and available for work. In addition, that notice shall also set forth the issue that was actually determined at the hearing (separation).

**DECISION:**

The decision of the administrative law judge dated July 29, 2015 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau, for further development of the record consistent with this decision. The administrative law judge shall conduct a hearing following due notice containing both issues. The administrative law judge shall issue a decision determining both issues which provides the parties appeal rights.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

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