

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

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**BEVERLY K FLIPPO**

Claimant,

and

**PER MAR SECURITY & RESEARCH  
CORP**

Employer.

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**HEARING NUMBER: 11B-EUCU-00244**

**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 March 11, 2011. The notice set a hearing for March 29, 2011. The claimant did not appear for or participate in the hearing. The reason the claimant did not appear is because when the administrative law judge called the claimant, he did not follow through with the recording's instruction (dial the 10-digit number) to continue the call. Instead, the administrative law judge immediate hung up shortly after the recording started. The claimant never received a call and did not did not know that the hearing was taking place.

**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 was available to participate, but did not receive a call from the administrative law judge. Unbeknownst to the claimant, the administrative law judge started the call, but cut it short when he heard the recording. Although the claimant's number had a block on it, the only step the administrative law judge had to do was enter his 10-digit number to follow through with the call, as the claimant was available to accept it. Having established good cause for her nonparticipation, the Board shall remand this matter for another hearing before an administrative law judge.

**DECISION:**

The decision of the administrative law judge dated March 30, 2011 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.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser

AMG/fnv