

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

ALAN L WALTER

Claimant

and

CALSTAR INC

Employer

HEARING NUMBER: 20BUI-02199

**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 initially mailed March 13, 2020. The notice set a hearing for March 27, 2020. A second notice was mailed March 25, 2020 for a rescheduled hearing on April 24, 2020. The Claimant complied with the notice instruction by providing his contact information. On the day of the hearing, the administrative called the Claimant who answered the call for the hearing. However, a few minutes into the call, the Claimant's connection dropped, as he was in a location with inadequate service. After several attempts to reconnect, the Claimant was unable to maintain his connection to the calls because of his location. He was unable to participate in the hearing.

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.

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Here the Claimant did not participate in the hearing through no fault of the Claimant. The Claimant did not participate because he was unable to maintain a phone connection to participate in the hearing. Under these circumstances, we find the Claimant has established good cause for his nonparticipation. For this reason, the matter will be remanded for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated April 24, 2020 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.

Ashley R. Koopmans

James M. Strohman

Myron R. Linn

AMG/fnv