

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.

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.

While we appreciate the administrative law judge's need to expedite the hearing in a timely manner, that need cannot supersede the parties' right to a full and fair hearing. Here, the parties were hurried, and at times, cut off before completing their answers. Overall, we cannot conclude that the parties received a fair opportunity to present their cases. For this reason, we are remanding this matter for a new hearing.

DECISION:

The decision of the administrative law judge dated May 5, 2016 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau, for a new hearing. The administrative law judge shall conduct a hearing following due notice. The administrative law judge shall issue a decision which provides the parties appeal rights.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv