

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

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**KEITH R WEITZEL**

Claimant,

and

**FRESH START JANITORIAL SVCS INC**

Employer.

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**HEARING NUMBER: 12B-UI-11765**

**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 October 4, 2012. The notice set a hearing for October 29, 2012. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because the Claimant has a learning disability and did not fully understand the notice, i.e., that he had to call in his telephone number. He did not realize the hearing was taking place.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2011) 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 has a learning disability and was unable to completely comprehend the notice instructions. Having established good cause for his nonparticipation, this matter will be remanded for another hearing before an administrative law judge.

**DECISION:**

The decision of the administrative law judge dated November 6, 2012 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau. 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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Cloyd (Robby) Robinson

AMG/fnv