BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

LORETTA J SEGHI

HEARING NUMBER: 15B-UI-09063

Claimant

.

and

EMPLOYMENT APPEAL BOARD DECISION

WELCH OIL INC

Employer

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed August 19, 2015. The notice set a hearing for September 1, 2015 at 3:30 p.m. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because she was not available at the number she provided to participate. The Claimant did, however, attempt to call in twice (3:45 p.m. and 4:07 p.m.) but was unable to make a complete connection. The hearing went on without her.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2015) 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 because the Claimant was unable to make a connection after two timely attempts to participate in the hearing. Claimant's actions demonstrate Claimant's intention to follow through with the appeals process, but for circumstances beyond her control, she was unable to gain access. For this reason, the matter will be remanded for another hearing before an administrative law judge so that the Claimant may avail herself of her due process right.

We caution the Claimant that, barring exceptional circumstances, we will not again excuse a failure to be available at the number provided where the Claimant could be reached.

DECISION:

The decision of the administrative law judge dated September 8, 2015 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.

Kim D. Schmett		
Ashley R. Koopmans		
James M. Strohman		

AMG/fnv