

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

CHRISTINE R STANTON

Claimant,

and

WAL-MART STORES INC

Employer.

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HEARING NUMBER: 09B-UI-10940

EMPLOYMENT APPEAL BOARD
DECISION

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

STATEMENT OF THE CASE:

The issue of timeliness was raised when the claimant filed an appeal postmarked February 25, 2009, nearly two months beyond the statutory deadline of December 23, 2008. The reason for the delay was because the claimant never received the Notice of Decision to know of the adverse ruling. For this reason, we find good cause has been established for the late appeal, and the board shall consider it to be timely.

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The claimant has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not follow the instructions on the notice of hearing. Therefore, good cause has not been established to remand this matter. The remand request is **DENIED**.

The Employment Appeal Board would also note that although neither party raised an issue regarding the inaudibles contained in the transcript, the Board has hereby corrected the transcript to reflect more precisely the testimony that was presented at the hearing.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/fnv