

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building, 4<sup>TH</sup> Floor  
Des Moines, Iowa 50319  
eab.iowa.gov**

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**CANZADIE A NIGRO**

Claimant

and

**CENTER ASSOCIATES**

Employer

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**HEARING NUMBER: 22B-UI-05507**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**SECTION:** 10A.601 Employment Appeal Board Review

**DECISION**

**FINDINGS OF FACT:**

The notice of hearing in this matter was mailed March 28, 2022. The notice set a hearing for April 12, 2022. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because she had a suicidal client requiring immediately attention at the time of the hearing; however, as soon as she was able to calm her client, she called in using the pin, but was unable to access 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.

Here the Claimant did not participate in the hearing because she was unable to access the administrative law judge using the pin provided on the Notice of Hearing. She tried to comply with the notice instructions, but was unable to because her call was after the time of the start of the hearing. Based on this circumstance, we find the Claimant has provided good cause for her nonparticipation. 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 participate in the hearing as scheduled.

**DECISION:**

The decision of the administrative law judge dated April 15, 2022 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.

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James M. Strohman

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Ashley R. Koopmans

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Myron R. Linn

AMG/fnv