

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

ANGELA COLLINS

Claimant,

and

IOWA WORKFORCE DEVELOPMENT

HEARING NUMBER: 09B-UI-01619

**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 February 5, 2009. The notice set a hearing for February 23, 2009. The claimant did not appear for or participate in the hearing. The reason the claimant did not appear is because when the claimant came into the Iowa Workforce office to give the number she could be reached she was told that her number was on file and there was nothing further she needed do to prepare for the hearing. She was informed that she was "ready to go." As a result of this advice the claimant did not supply a number to the Appeals Section where she could be reached for the hearing. The claimant accordingly was not called on the scheduled hearing date.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2009) provides:

5. 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 asked the agency about providing a number for the administrative law judge to call, but was told she already had one on file. It was for this reason the claimant did not call in to the Appeals Section and this is why she never received the call to participate. For this reason, the matter will be remanded for another

hearing before an administrative law judge.

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DECISION:

The decision of the administrative law judge dated February 24, 2009 is not vacated. 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.

John A. Peno

Elizabeth L. Seiser

Monique Kuester

RRA/ss