

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Website: eab.iowa.gov**

NANCY KARNGBAYE

Claimant

: **APPEAL NUMBER:** 24B-UI-01392
: **ALJ HEARING NUMBER:** 24A-UI-01392

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**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed February 14, 2024. The notice set a hearing for February 26. The Claimant did not appear for or participate in the hearing because they struggled to use the phone system due to a language barrier. The administrative law judge's decision determined that the Claimant, who did not appear or participate in the hearing, "defaulted pursuant to Iowa Code section 17A.12(3)..." and the previous decision remained in effect.

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.

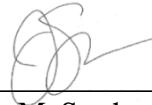
Here, the Claimant did not participate in the hearing through no fault of the their own. The Claimant did not participate due to a language barrier. Although the administrative law judge entered a default decision based on the Claimant's failure to appear at the hearing, the Board finds that the Claimant provided good cause for their nonparticipation. For this reason, the matter will be remanded for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated February 29, 2024, 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 who shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

Note to Parties: When you receive the Notice of Hearing, please read and follow the instructions carefully. If you do not receive the Notice of Hearing for the new hearing within fifteen days of the mailing date on this decision, you must contact the Unemployment Insurance Appeals Bureau to obtain information regarding the new hearing.

Note to Claimant: We will not remand for this issue again. When you call the phone number on the Notice of Hearing, just wait on the line.



James M. Strohman



Ashley R. Koopmans



Myron R. Linn

SRC/fnv

DATED AND MAILED: MARCH 22 2024