

**STATE OF IOWA  
BEFORE THE  
EMPLOYMENT APPEAL BOARD**

**KEARY M HOLM**

Claimant,

and

**WITTROCK MOTOR COMPANY**

Employer.

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**:HEARING NUMBER: 16B-UI-04234**

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**ORDER AND AFTER GRANTED**

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**REHEARING DECISION**

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The EMPLOYER filed an application for rehearing on the above-listed hearing number. This application was filed on 5/24/2016.

**THE APPLICATION FOR REHEARING IS HEREBY GRANTED:**

The Employer submitted an application for a rehearing. The Employer's application was **GRANTED**. The basis for the Employer's request filed May 25, 2016 was that this matter should not be remanded for a new hearing, as the Claimant had an opportunity to answer the administrative law judge's call, but chose not to. Instead, the Claimant chose to continue a call he was on simultaneously when the administrative law judge called. The Board finds good cause to reconsider this matter.

A review of the matter shows that while it was true that the Claimant was on a call when the administrative law judge called, we find the Claimant's explanation credible that the call involved a potential Employer with whom he was interviewing. The Claimant immediately contacted the agency at the conclusion of that call, which was within a reasonable time (25 minutes) after the time of the scheduled hearing (2:00 p.m.). We find the Claimant established good cause for his nonparticipation. Hence, the Board's decision to remand the case for a new hearing remains in effect.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

AMG/ms