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

JOSH J BRENNAN	:	
Claimant	: HEARING NUMBER: 22B-UI-00	0522
	EMPLOYMENT APPEAL BOA DECISION	ARD
	:	

SECTION: 10A.601 Employment Appeal Board Review

DECISION

FINDINGS OF FACT:

The notice of hearing in this matter was mailed January 13, 2022. The notice set a hearing for January 27, 2022. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because he was experiencing the onset of a seizure, which required him to take medication. The medication 'knocked him out,' and he was unable to follow through with the hearing process.

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 he was unable due to a medical condition. He couldn't follow through with the hearing process as a result of the medication he had to take for the condition. We find the Claimant has provided good cause for his nonparticipation. For this reason, the matter will be remanded for another hearing before an administrative law judge so that the Claimant may avail himself of his due process right.

We caution the Claimant that, barring exceptional circumstances, we will not again excuse a failure to call the number shown on the notice to gain access to the hearing.

DECISION:

The decision of the administrative law judge dated February 22, 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.

James M. Strohman

Ashley R. Koopmans

AMG/fnv

Myron R. Linn