

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

ROBERT A CAIN

Claimant

and

O'REILLY AUTOMOTIVE INC

Employer

: **APPEAL NUMBER:** 23B-UI-00788

: **ALJ HEARING NUMBER:** 23A-UI-00788

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: **EMPLOYMENT APPEAL BOARD
DECISION**

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NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 17A.12-3, 26.14-7

DECISION

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

Since the Claimant never worked for O'Reilly Auto Parts, there is no possibility of O'Reilly Auto Parts being charged for benefits in this case. The only reason O'Reilly Auto Parts was asked to attend the hearing was to provide evidence on the job offer. The role of O'Reilly Auto Parts was to be as a witness. Frankly, the appeal from O'Reilly Auto Parts could simply be dismissed as an appeal from an entity who was not aggrieved by the decision. Since affirming the default amounts to the same thing we do so. But one way or the other, O'Reilly Auto Parts is not affected at all by today's decision.

The Employer has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not follow the instructions on the notice of hearing. Therefore, good cause has not been established to remand this matter. The remand request is **DENIED**.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

RRA/fnv