

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

MAHAMADINE T BACHAR

Claimant

and

REMEDY INTELLIGENT STAFFING INC

Employer

HEARING NUMBER: 17BUI-04264

**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 April 21, 2017. The notice set a hearing for May 10, 2017. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because Claimant did not receive the Notice of Hearing, as the notice was returned to the agency. The Claimant called in her telephone number the day before the hearing.

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 even though she provided a telephone number the day before. It is unclear whether she actually knew when the hearing was to be held, as the Notice of Hearing was returned to the agency. Because of this confusion, we find good cause has been established for her nonparticipation. For this reason, the matter will be

remanded for another hearing before an administrative law judge so that the Claimant may avail herself of her due process right.

DECISION:

The decision of the administrative law judge dated May 11, 2017 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.

Kim D. Schmett

James M. Strohman

AMG/fnv