

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

ANTONETTE FLOWERS

Claimant

and

STAR HOTELS IA LLC

Employer

HEARING NUMBER: 19BUI-02972

**EMPLOYMENT APPEAL BOARD
DECISION**

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: 96.4-3

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

STATEMENT OF THE CASE:

The issue of timeliness was raised when the Claimant faxed an appeal on May 29, 2019, fourteen days beyond the statutory deadline of May 15, 2019. The reason for the delay was because Workforce personnel inadvertently provided an incorrect fax number to the Claimant. When she hadn't received any type of response to her original appeal, she contacted the Employment Appeal Board and learned it was faxed to an incorrect number. She subsequently re-faxed her appeal to the correct number. For this reason, we find good cause has been established for the late appeal, and the board shall consider it to be timely.

The Claimant 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**.

The Employment Appeal Board would note the Claimant submitted a medical release to return to work without restrictions. We suggest the Claimant submit this documentation to the Iowa Workforce Development, Claims Bureau, for further consideration of her eligibility for benefits.

Lastly, the Claimant submitted additional evidence to the Board which was not contained in the administrative file and which was not submitted to the administrative law judge. While the additional evidence was reviewed for the purposes of determining whether admission of the evidence was warranted despite it not being presented at hearing, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision. There is no sufficient cause why the new and additional information submitted by the Claimant was not presented at hearing. Accordingly all the new and additional information submitted has not been relied upon in making our decision, and has received no weight whatsoever, but rather has been wholly disregarded.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv