

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

SON PHAM

Claimant,

and

BEEF PRODUCTS INC

Employer.

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HEARING NUMBER: 11B-UI-11641

**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: 96.5-2-A, 96.6-2

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

STATEMENT OF THE CASE:

The issue of timeliness was raised when the claimant filed an appeal postmarked November 9, 2010, 19 days beyond the statutory deadline of October 21, 2010. The reason for the delay was because the claimant had a change of address, which he reported. However, the Notice of Hearing was still sent to the old address. 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 comment that even if this appeal were considered as timely, the record established that the claimant's action (initiating the fight with a co-worker) would be considered misconduct.

John A. Peno

Monique F. Kuester

Elizabeth L. Seiser

ABG/kk