

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

DARIAN J HUFF

Claimant

: **APPEAL NUMBER:** 23B-UI-08372
: **ALJ HEARING NUMBER:** 23A-UI-08372

and

:

**EMPLOYMENT APPEAL BOARD
DECISION**

ANDREW PESCHONG INSURANCE

:

:

Employer

:

:

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

DECISION


UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

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**.

The Employer's request to remand the separation decision back to the Unemployment Insurance Appeals Bureau for a new hearing is **DENIED**. The Employer has not shown good cause for the failure to participate in the hearing.

However, the Claimant stated she entered treatment after her separation and began new employment the week before September 19. The Claimant has filed for and received unemployment insurance benefits for the week ending August 26 and the weeks ending September 30 through October 21. Whether the Claimant was able to and available for work during the weeks she claimed benefits has not yet been adjudicated. The issue of whether

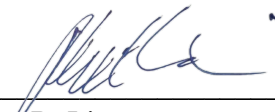
the Claimant was able to and available for work is **REMANDED TO THE BENEFITS BUREAU** for a fact-finding interview and decision.



James M. Strohman



Ashley R. Koopmans



Myron R. Linn

SRC/fnv

DATED AND MAILED: OCT 31 2023

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