

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

JESSICA CHAMBERS

Claimant,

and

CASEY'S MARKETING CO

Employer.

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HEARING NUMBER: 13B-UI-07858

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

D E C I S I O N

FINDINGS OF FACT:

A hearing in the above matter was held August 8, 2013 at 12:00 p.m. in which the issue to be determined was whether the claimant was discharged for misconduct; or whether the claimant voluntarily left for good cause attributable to the employer. The Claimant did not participate in the hearing, and the record was closed at 12:10 p.m. At 12:16 p.m., the Claimant contacted the Appeals Section requesting the record be reopened, but was denied.

The administrative law judge's decision was issued August 9, 2013, which determined that the "...decision disqualifying the Claimant from receiving benefits remains in effect..." The administrative law judge's decision made no mention of the contents of the Claimant's late call. That decision has been appealed to the Employment Appeal Board.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2011) provides:

5. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an 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.

The Employment Appeal Board concludes that the record as it stands is insufficient for the Board to issue a decision on the merits of the case. There was no explanation as to what transpired between the administrative law judge and the Claimant who called the Appeals Section after the record closed. Since we do not know what happened during this call, the Board must remand this matter for the limited purpose of having the administrative law judge issue a new decision which includes details of the Claimant's call and the administrative law judge's explicit consideration of the same.

DECISION:

The decision of the administrative law judge dated August 9, 2013 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau, for further development of the record consistent with this decision, unless otherwise already addressed. The administrative law judge shall conduct a hearing following due notice, if necessary. If a hearing is held, then the administrative law judge shall issue a decision which provides the parties appeal rights.

John A. Peno

Monique F. Kuester

Cloyd (Robby) Robinson

AMG/fnv