

Here the Claimant did not participate in the hearing through no fault of the Claimant. The Claimant believed in good faith the agency instruction she received to submit a statement in lieu of testimony since she could not be available for the hearing. She acted on that belief by faxing in her statement, which was not considered. Based on this circumstance, we find the Claimant provided good cause for her nonparticipation, as it was due to agency error. For this reason, we shall remand this matter for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated August 21, 2014 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau. 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

Ashley R. Koopmans

AMG/fnv