BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

CYNTHIA R WASHINGTON

HEARING NUMBER: 16B-UI-11837

Claimant

:

EMPLOYMENT APPEAL BOARD DECISION

::

NOTICE

SECTION: 10A.601 Employment Appeal Board Review

FINDINGS OF FACT:

The notice of hearing in this matter was mailed November 4, 2016. The notice set a hearing for November 16, 2016. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because she had a change of address, which she submitted to the agency, but was not recorded prior to the notice's being mailed to the wrong address. The Claimant did not receive the Notice of Hearing, and did not know the hearing was taking place.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2015) provides:

4. 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.

Here the Claimant did not participate in the hearing through no fault of the Claimant. The Claimant did not participate because she had a new address that didn't get timely recorded. She did not receive the Notice of Hearing and did not know that a hearing was taking place. For this reason, the matter will be remanded for another hearing before an administrative law judge.

DECISION:

The decision of the administrative law judge dated November 17, 2016 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is

remanded to an administrative law judge in the Workforce Development Center, Appeals Section. 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.

The Employment Appeal Board would remind the Claimant that once she receives the new Notice of Hearing, she must register, again, by providing her phone number according to the notice instructions so that she may be called by the administrative law judge to participate in the newly scheduled hearing.

Kim D. Schmett	
Ashley R. Koopmans	
James M. Strohman	

AMG/ss