# BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

RUSTY L SINCLAIR

**HEARING NUMBER: 15B-UI-02886** 

Claimant

:

and

EMPLOYMENT APPEAL BOARD DECISION

THE WALDINGER CORPORATION

**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 5-1

#### DECISION

#### UNEMPLOYMENT BENEFITS ARE DENIED

### STATEMENT OF THE CASE:

The issue of timeliness was raised when the Claimant filed an appeal postmarked July 7, 2015, over 3 months beyond the statutory deadline of March 31, 2015. The reason for the delay was because the Claimant received a Notice of Hearing indicating there would be another hearing, which never occurred. 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. With the following modification, 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** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law by adding the following:

The Claimant quit over not receiving a raise and his desire to start his own business, neither of which is considered good cause attributable to the Employer.

Lastly, a portion of the Claimant's appeal to the Employment Appeal Board consisted of additional evidence which was not contained in the administrative file and which was not submitted to the administrative law judge. While the appeal and additional evidence were reviewed, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision.

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

AMG/fnv