

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Website: eab.iowa.gov**

AUNDREA D ANDERSON

Claimant

: **APPEAL NUMBER:** 24B-UI-12206

: **ALJ HEARING NUMBER:** 23A-UI-12206

:

and

:

**EMPLOYMENT APPEAL BOARD
DECISION**

:

MDRD INC

:

:

Employer

:

SECTION: 10A.601 Employment Appeal Board Review

D E C I S I O N

FINDINGS OF FACT:

The notice of hearing in this matter was mailed January 4, 2024. The notice set a hearing for January 18, 2024. On the day of the hearing, however, she did not appear for or participate in the hearing. The reason the Claimant did not appear is because the Claimant was in the hospital giving birth. Due to this family emergency, she was unable to participate.

REASONING AND CONCLUSIONS OF LAW:

The issue of timeliness was raised on appeal when the Claimant filed the appeal beyond the deadline. The Board finds good cause for the untimely appeal, and considers it as timely. Further the Claimant filed a timely application for rehearing which, since it was not acted on, would normally be sent to this Board as an appeal. That application was filed the day after the hearing (and the day after giving birth). The application was sent after the decision was issued, since it was sent in the evening, and thus it should have been forwarded to EAB as an appeal. This being the case the appeal was clearly timely.

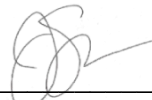
Iowa Code section 10A.601(4) (2024) provides:

5. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of a 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. For this reason, the matter will be remanded for another hearing before an administrative law judge.

DECISION:

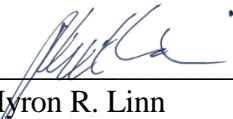
The decision of the administrative law judge dated January 19, 2024 is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge. The administrative law judge shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.



James M. Strohman



Ashley R. Koopmans



Myron R. Linn

RRA/fnv

DATED AND MAILED: FEB 27 2024