

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

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**ERIC R COHRS**

Claimant,

and

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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**HEARING NUMBER: 10B-EUCU-00489**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**SECTION:** 10A.601 Employment Appeal Board Review

**DECISION**

**FINDINGS OF FACT:**

The notice of hearing in this matter was mailed June 17, 2010. The notice set a hearing for July 21, 2010. The claimant did not appear for or participate in the hearing. The reason the claimant did not appear is because the claimant was unable to take the administrative law judge's call because he was driving when the call came through. The claimant immediately tried to return the call by contacting his wife who provided him with the number from his Iowa Workforce Development paperwork. By the time he was able to reach the administrative law judge, he was told his call was too late.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2009) provides:

4. 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. The claimant had every intention of following through with his appeal, as shown by his attempt to return the administrative law judge's call. However, because it took additional time to locate the Iowa Workforce Development

Center's number, his return call was delayed by a few minutes. Given the circumstances, we find good cause has been established for his nonparticipation. 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 July 22, 2010 is not vacated. 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.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser

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