

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

---

**AUDREY L DEBO**

Claimant

and

**RIVERSIDE STAFFING SERVICES INC**

Employer

**HEARING NUMBER: 17BUI-00302**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**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 13, 2017. The notice set a hearing for January 31, 2017. The Employer initially contacted the agency to provide a number at which it could be reached for the hearing. On January 26, 2017, the Employer contacted the agency again to provide a new contact name and number for which the agency provided the control number 254. On the day of the hearing, the Employer did not appear for or participate in the hearing. The reason the Employer did not appear is because administrative law judge did not call the new number that the Employer provided. The Employer 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 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 Employer did not participate in the hearing through no fault of the Employer. The Employer did not participate because for some unknown reason the administrative law judge did not call the subsequent contact number the Employer provided, and the Employer did not know

that a hearing was to take 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 February 1, 2017 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.

---

Kim D. Schmett

---

Ashley R. Koopmans

---

James M. Strohman

AMG/fnv