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

ROBERT K OLIVER	: :
Claimant,	: HEARING NUMBER: 09B-UI-03388 :
and	EMPLOYMENT APPEAL BOARD
MOSS FARMS TRUCKING INC	: DECISION :
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	CISION
UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE	
STATEMENT OF THE CASE:	
The issue of timeliness was raised when the employer filed an appeal postmarked May 18, 2009, 33 days beyond the statutory deadline of April 15, 2009. The reason for the delay was because the employer never received the Notice of Decision. It is only because the employer received the Statement of Charges that the employer became aware of the adverse ruling and immediately filed an appeal. For this reason, we find good cause has been established for the late appeal, and the board shall consider it to be timely.	

The employer 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. 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.

John A. Peno

Elizabeth L. Seiser