



The Employment Appeal Board concludes that the record as it stands is insufficient for the Board to issue a decision on the merits of the case. The Claimant argued that he quit because he was not paid as promised by CRST. There is nothing in the record to establish what the Claimant's original contract of hire was, or how the Employer's failure to pay him wages impacted that contract. As the Iowa Court of Appeals noted in *Baker v. Employment Appeal Board*, 551 N.W. 2d 646 (Iowa App. 1996), the administrative law judge has a heightened duty to develop the record from available evidence and testimony given the administrative law judge's presumed expertise. Since we do not know the answers to these questions, the Board must remand this matter for the taking of additional evidence.

**DECISION:**

The decision of the administrative law judge dated August 23, 2012 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau, for further development of the record consistent with this decision, unless otherwise already addressed. The administrative law judge shall conduct a hearing following due notice, if necessary. If a hearing is held, then 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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Cloyd (Robby) Robinson

**DISSENTING OPINION OF MONIQUE F. KUESTER:**

I respectfully dissent from the decision of the Employment Appeal Board; I would affirm the decision of the administrative law judge in its entirety.

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Monique F. Kuester

AMG/fnv