

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

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**TAMIKA G COLEMAN**

Claimant

and

**KINSETH HOTEL CORPORATION**

Employer

**HEARING NUMBER: 20BIWDUI-0032**

**EMPLOYMENT APPEAL BOARD  
DECISION**

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

**D E C I S I O N**

**FINDINGS OF FACT:**

Several notices of hearings were mailed to the Claimant, the first of which she responded by providing a telephone number where she could be reached to participate. She was subsequently sent two other notices with different hearing dates. On the day of the last scheduled hearing, the Claimant did not appear for or participate in the hearing. The matter was closed; and a default decision was issued.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2019) provides:

4. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an 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 because she did not call the number listed on the final notice of hearing. However, we note she initially provided her telephone number in compliance with the first notice she received. Although the Claimant did not respond to the last notice, we find that under these circumstances, any reasonable person may have been confused. It is clear the Claimant intended to follow through with her appeal. For this reason, we find good cause has been established for her nonparticipation. We shall remand this matter for another hearing before an administrative law judge so that the Claimant may avail herself of her due process right.

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We caution the Claimant that, barring exceptional circumstances, we will not again excuse a failure to call in a number where the Claimant could be reached.

**DECISION:**

The decision of the administrative law judge dated April 13, 2020 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.

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Ashley R. Koopmans

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James M. Strohman

AMG/fnv