

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

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**TRACY R REYNOLDS**

Claimant,

and

**FOCUS SERVICES LLC**

Employer.

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**HEARING NUMBER: 15B-UI-01508**

**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 February 9, 2015. The notice set a hearing for March 3, 2015. The Employer contacted the agency to provide a telephone at which the Employer could be reached, and received control #262. 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 the Employer did not receive a call to participate. The Employer appealed the administrative law judge's that was issued on March 4, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2011) 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 complied with the notice instructions by providing its telephone number, which is corroborated by the Employer's receipt of a control number (#262). For some reason, the Employer did not receive the call. We would also note that the administrative law judge's decision indicates two opposing reasons for the

Employer's nonparticipation: 1) the Employer failed to contact the agency to provide a number; and 2) the Employer failed to be at the number provided. In light of the Employer's receipt of a confirmation number, and (to a lesser degree) the confusion of the administrative law judge's Statement of the Case, we shall remand this matter for another hearing before an administrative law judge.

**DECISION:**

The decision of the administrative law judge dated March 4, 2015 is not vacated. This matter is remanded to an administrative law judge in the Unemployment Insurance Appeals Bureau. 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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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

AMG/fnv