

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

KRISTINA S BUECHEL

Claimant,

and

TASKE FORCE INC

Employer.

:
:
:
:
:
:
:
:

HEARING NUMBER: 11B-UI-10664

**EMPLOYMENT APPEAL BOARD
DECISION**

N O T I C E

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: 96.4-3

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE DENIED

STATEMENT OF THE CASE:

The issue of timeliness was raised when the Claimant filed an appeal was faxed on October 26, 2011, over a month beyond the statutory deadline of September 23, 2011. The reason for the delay was because the Claimant never received the Notice of Decision. For this reason, we find good cause has been established for the late appeal, and the board shall consider it to be timely.

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member concurring, 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**.

Monique F. Kuester

CONCURRING OPINION OF JOHN A. PENO:

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would note that the claimant's appeal indicated that she has now been terminated for which the issue our review is only her being able and available for work. The Claimant's being able and available is a week to week determination. The Claimant should contact the Iowa Workforce Development Center, Claims Section, with any documentation regarding her current availability to work.

John A. Peno

AMG/lms