

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

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**KAYLA D DYKSTRA**

Claimant

and

**MAHASKA COUNTY HOSPITAL**

Employer

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**HEARING NUMBER: 16B-UI-05478**

**EMPLOYMENT APPEAL BOARD  
DECISION**

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

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

**FINDINGS OF FACT:**

A hearing in the above matter was held June 8, 2016. The administrative law judge's decision was issued June 9, 2016. The administrative law judge's decision has been appealed to the Employment Appeal Board. The record of the hearing before the administrative law judge is incomplete as the Claimant never received the Employer's Exhibits 1-11, which were admitted into the record. She was unable to fully address these documents.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2015) provides:

5. 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.

The record before the Employment Appeal Board is incomplete. The Claimant testified that she didn't receive the Employer's exhibits, which precluded her from effectively putting on her case and fully availing herself of her due process right. For this reason, the Board shall remand this matter for a new hearing so that the Claimant may have the opportunity to a full and fair opportunity to present her case.

**DECISION:**

The decision of the administrative law judge dated June 9, 2016 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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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

AMG/fnv