

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

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<b>JOLENE M KAUFMAN</b>	:	
	:	<b>HEARING NUMBER: 21B-UI-00186</b>
Claimant	:	
	:	
and	:	<b>EMPLOYMENT APPEAL BOARD</b>
	:	<b>DECISION</b>
<b>FINLEY HOSPITAL</b>	:	
	:	
Employer	:	

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

**DECISION**

**FINDINGS OF FACT:**

The notice of hearing in this matter was mailed January 22, 2021. The notice set a hearing for February 4, 2021. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because she was unaware of the hearing due to the recent death of her Mother. The Claimant was unable to follow through with her appeal at that time.

**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 the death of her Mother caused her to be unable to follow through with the appeal process. Based on this circumstance, we find good cause for her nonparticipation, and would remand this matter for another hearing before an administrative law judge so that the Claimant may avail herself of her due process right.

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 February 17, 2021 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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James M. Strohman

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Ashley R. Koopmans

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Myron R. Linn

AMG/fnv