BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor

Des Moines, Iowa 50319

:

KRISTIAN M CORBIN

: HEARING NUMBER: 09B-UI-00800

Claimant,

.

and : **EMPLOYMENT APPEAL BOARD**

DECISION

CIGARETTE OUTLET INC

Employer.

NOTICE

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: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

STATEMENT OF THE CASE:

The issue of timeliness was raised when the claimant filed an appeal postmarked March 4, 2009, seven days beyond the statutory deadline of February 25, 2009. 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 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 add | opted by the Board as its own. | The administrative |
| law judge's decision is AFFIRMED. | | |

| John A. Peno | |
|---------------------|--|
| | |
| Elizabeth L. Seiser | |
| | |
| Monique F. Kuester | |

AMG/fnv