

**STATE OF IOWA  
BEFORE THE  
EMPLOYMENT APPEAL BOARD**

**SYAMPHAY P UPPASAY**

Claimant,

:

**: HEARING NUMBER: 15B-UI-02125**

:

:

and

:

:

**TENSION ENVELOPE CORPORATION**

Employer.

:

**DECISION AND ORDER ON  
REHEARING REQUEST AND AFTER  
GRANTED REHEARING DECISION**

:

The CLAIMANT filed an application for rehearing on the above-listed hearing number. This application was filed on 6/12/2015.

**THE APPLICATION FOR REHEARING IS HEREBY GRANTED:**

The Claimant submitted an application for a rehearing. The Claimant's application was **GRANTED**. The basis for the Claimant's request filed June 12, 2015 was that the Claimant did not participate in the hearing due to not receiving the Notice of Hearing. A review of the file shows that the Claimant submitted this reason in her written argument that was timely received, and of which stated her intention to participate had she known of the date and time of the hearing. For this reason, the Board finds that good cause exists to reconsider this matter.

SECTION: 10A.601 Employment Appeal Board Review

**FINDINGS OF FACT:**

The notice of hearing in this matter was mailed March 16, 2015. The notice set a hearing for April 15, 2015. The Claimant did not appear for or participate in the hearing. The reason the Claimant did not appear is because the Claimant did not receive the Notice of Hearing. The Claimant did not know the hearing was taking place.

**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 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 through no fault of the Claimant. The Claimant did not participate because the Claimant did not receive the Notice of Hearing and did not know that a hearing was taking place. For this reason, the matter will be remanded for another hearing before an administrative law judge.

**DECISION:**

The decision of the administrative law judge dated April 17, 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.

---

Kim D. Schmett

---

Ashley R. Koopmans

---

James M. Strohman

AG/py

**DATED AND MAILED:** \_\_\_\_\_

Copies to:

SYAMPHAY P UPPASAY  
3011 SE 20TH ST  
ANKENY IA 50021

TENSION ENVELOPE CORPORATION  
2100 E 17TH ST  
DES MOINES IA 50316

