#### S T A T E O F I O W A BEFORE THE EMPLOYMENT APPEAL BOARD

SYAMPHAY P UPPASAY	:
Claimant,	:HEARING NUMBER: 15B-UI-02125
	:
	:
and	:
	: DECISION AND ORDER ON
TENSION ENVELOPE CORPORATION	: REHEARING REQUEST AND AFTER
Employer.	<b>GRANTED REHEARING DECISION</b>

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.

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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

#### S T A T E O F I O W A BEFORE THE EMPLOYMENT APPEAL BOARD

RAELYNN K ROBINSON	:
Claimant,	: HEARING NUMBER: 15B-UI-04085
and	
	DECISION ON REHEARING
NEW FOCUS INC	: <b>REQUEST</b>
Employer.	:

**THIS DECISION IS FINAL.** Any interested party can petition the **DISTRICT COURT** for review of this decision pursuant to Iowa Code Section 17A.19 (2013).

The CLAIMANT filed an application for rehearing on the above-listed hearing number. This application was filed on 6/9/2015.

THE APPLICATION FOR REHEARING IS HEREBY **DENIED** FOR THE FOLLOWING REASON:

The claimant requests this matter be reheard by the Employment Appeal Board. New evidence or argument sufficient to cause a reversal of our decision was not submitted. Our earlier decision was correct and supported by the record evidence. The request for rehearing is **DENIED**.

Members Schmett, Koopmans and Strohman supported the denial of application for rehearing.

FOR THE BOARD:

Employment Appeal Board

AG/py
DATED AND MAILED:\_\_\_\_\_\_
Copies to:

RAELYNN K ROBINSON 700 CLARKDALE RD MYSTIC IA 52574 NEW FOCUS INC 102 W WASHINGTON ST CENTERVILLE IA 52544-1550