Iowa Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270

Determination Number:
7403218

Appeals Bureau Docket:
2025147681-AT

Appeal Filed By:
Marie Ange Merzier

Appeal Filed Date:
12/22/2025

Employment Appeal Board Docket:
2025179935-AB

[redacted]

STATE OF IOWA EMPLOYMENT APPEAL BOARD DECISION

Mail Date: January 14, 2026

Claimant/Job Seeker: Marie Ange Merzier Employer: Tyson Fresh Meats Inc

In regard to the appeal by Marie Ange Merzier:

FINDINGS OF FACT

The notice of hearing in this matter was mailed October 8, 2025, and set the hearing for December 11. The Claimant did not appear for or participate in the hearing because of a language barrier. The Claimant's first language is Haitian Creole, and they misread the Notice of Hearing. The administrative law judge's decision found the Claimant was discharged for work-related misconduct due to the Employer's unrefuted testimony and evidence.

CONCLUSIONS OF LAW

Iowa Code section 10A.601(4) (2025) 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 their own. The Claimant did not participate due to a language barrier. Although the administrative law judge entered a decision denying benefits based on the Employer's unrefuted testimony and evidence and the Claimant's failure to appear at the hearing, the Board finds that the Claimant provided good cause for their nonparticipation. 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 December 15, 2025, is not vacated and remains in force unless

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and until the Department makes a differing determination pursuant to this remand. This matter is remanded to a different administrative law judge who shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

When you receive the Notice of Hearing, please read and follow the instructions carefully. If you do not receive a Notice of Hearing within fifteen days of the date on this decision, you must call the Unemployment Insurance Appeal Bureau to get information about the new hearing.

Rendered and signed 1/13/2026, in Des Moines, Iowa.

IOWA EMPLOYMENT APPEAL BOARD MEMBERS

Ashley KOOPMANS
Board Member

Myron LINN
Board Member

James STROHMAN
Board Member

Please see next page for important information about further appeal rights.

NOTICE

This decision is final unless you file (1) a Request for Rehearing with the Employment Appeal Board within **20 days** of the date of the Board's decision, OR (2) a Petition for Judicial Review with the District Court within **30 days** of the date of the Board's decision. If your Request for Rehearing is denied, you may file a Petition for Judicial Review with the District Court within **30 days** of the denial.

REQUEST FOR REHEARING. Filing a Request for Rehearing through IowaWORKS.gov is the fastest option. Login to your account and click on "Rehear Request" at the bottom of the decision you disagree with.

You may also send a written Request for Rehearing to the Employment Appeal Board at the contact information below:

Iowa Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Email: eab.appeals@eab.iowa.gov

Your Request for Rehearing should clearly state your reason for requesting rehearing.

DISTRICT COURT. You may also file a Petition for Judicial Review with the District Court within **30 days** of the Board's decision. Information on how to file a petition is in Iowa Code §17A.19, which is online at https://www.legis.iowa.gov/docs/code/17A.19.pdf. You may also contact the District Court Clerk of Court https:///www.iowacourts.gov/iowa-courts/court-directory/.

Babel Notice – Claim and Appeal Information
Aviso: Aviso: Documento De Beneficios Del Seguro De Desempleo Y Información De Apelación

IMPORTANT!

This document contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. **DEADLINE FOR APPEAL:** If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document. **IMMEDIATELY:** If needed, call 866-239-0843 for assistance in the translation and understanding of the information in the document(s) you have received.

¡IMPORTANTE!

Este documento contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento. **PLAZO LÍMITE PARA APELAR:** Si usted está en desacuerdo con esta determinación o decisión, debe presentar una apelación antes del plazo límite indicado en este documento. **INMEDIATAMENTE:** Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al 866-239-0843.

重要提示！

这份文件包含有关失业补偿的权利、责任和/或利益的重要信息。您需要理解本 文件中的信息，这一点至关重。 **上诉截止日期：**如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。 **立即：**如果需要，请拨打866-239-0843, 可获得帮助，以利您翻译和理解所收到的文件中的信息。

IMPORTANT!

Ce document contient des informations importantes sur vos droits d'allocation de chômage, vos responsabilités et/ou vos bénéfices. Il est indispensable que vous compreniez le contenu de ce document. **DATE LIMITE POUR FAIRE APPEL:** Si vous n'êtes pas d'accord avec cette détermination ou décision, vous devrez faire un appel avant la date limite signalée dans ce document. **IMMÉDIATEMENT:** Si nécessaire, téléphonez au 866-239-0843 pour avoir de l'assistance sur la traduction et/ou la compréhension de ce document.

WICHTIG!

Diese Dokument enthält wichtige Hinweise zu ihren Rechten, Pflichten bzw. Leistungen im Rahmen der Arbeitslosenunterstützung. Es ist entscheidend, dass Sie die Informationen in diesem Dokument verstehen. **FRIST ZUR BESCHWERDEEINLEGUNG:** Wenn Sie mit der Feststellung oder Entscheidung nicht einverstanden sind, müssen Sie vor Ablauf der in diesem Dokument aufgeführten Frist eine Beschwerde einlegen. **SOFORT:** Sofern erforderlich, rufen Sie die Telefonnummer 866-239-0843 an und erkundigen sich nach Hilfsdiensten bei der Übersetzung und zum Verständnis der Informationen in dem (den) von Ihnen erhaltenen Dokument(en).

IMPORTANTE!

Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

IMPORTANTE:

Questo documento contiene informazioni importanti sui Suoi diritti di indennizzo di disoccupazione, sulle sue responsabilità e i suoi benefit. E' cruciale che Lei comprenda appieno le informazioni contenute in questo documento. **SCADENZA PER IL RICORSO:** Se non si trova in accordo con questa determinazione o decisione, dovrà presentare ricorso prima della scadenza riportata nel presente documento. **IMMEDIATAMENTE:** In caso di necessità chiami il 866-239-0843 per assistenza alla traduzione e comprensione delle informazioni contenute nei documenti ricevuti.

QUAN TRỌNG:
Tài liệu nầy chứa đựng tin tức quan trọng về quyền hạn, trách nhiệm và/hoặc những lợi lộc được đền bù trong khi thất nghiệp. Đó là điều tối cần thiết mà quý vị phải hiểu rõ những tin tức trong tài liệu nầy. **HẠN CHÓT KHIẾU NẠI:** Nếu quý vị không đồng ý với quyết định nầy, quý vị phải nạp đơn khiếu nại trước hạn chót ghi rõ trong tài liệu nầy. **MỘT CÁCH NHANH CHÓNG:** Nếu cần xin hãy gọi số 866-239-0843 để được giúp đỡ trong việc phiên dịch và hiểu rõ những tin tức trong tài liệu quý vị đã nhận.

중요!

이 문서는 실업보상 권리, 책임 및/또는 혜택에 대한 중요한 정보가 포함 되어 있습니다. 이 문서에 있는 정보를 이해 하는 것은 매우 중요합니다. **항소 마감:** 이 결정에 이견이 있으시면 항소인은 문서에 언급된 마감일 전에 항소를 제기하셔야 합니다. **즉시:** 받으신 문서의 번역 및 이해를 위해서 도움이 필요하시면 866-239-0843 로연락을 하시기 바랍니다.

WAŻNE!
Dokumenty mogą zawierać ważne informacje o Pana(-i) prawach do zasiłków dla bezrobotnych, obowiązków i/lub świadczeń. Zrozumienie informacji zawartych w niniejszym dokumencie jest bardzo ważne. **DATA WYGAŚNIĘCIA TERMINU SK ŁADANIA ODWOŁAŃ:** Jeśli nie zgadza się Pan(-i) z decyzją zawartą w niniejszym dokumencie, odwołanie należy złożyć przed datą wygaśnięcia terminu wyszczególnionego w treści niniejszego dokumentu. **NATYCHMIAST:** W razie potrzeby, należy dzwonić pod 866-239-0843 w celu uzyskania pomocy w tłumaczeniu i zrozumieniu informacji w dokumentach, które Pan(i) otrzymał(-a).

ВАЖНО!
Данный документ содержит важную информацию о Ваших правах на пособие по безработице, ответственностях и /или выгодах. Крайне важно, чтобы Вы поняли всю информацию, представленную в данном документе(ах). **КРАЙНИЙ СРОК ДЛЯ ОБЖАЛОВАНИЯ:** Если Вы не согласны с представленным постановлением или решением, Вы должны подать заявление на обжалование данного документа до крайнего срока, указанного в нём. **НЕМЕДЛЕННО:** При необходимости звоните 866-239-0843 для получения помощи в переводе и понимании информации данного документа(ов).

VAŽNO!
Ovaj dokument sadrži važne informacije o vašim pravima za naknadu nezaposlenosti, odgovornostima i/ili beneficijama. Veoma je važno da shvatite informacije u ovom dokumentu. **ROK ZA ŽALBU:** Ako se ne slažete s ovim određivanjem ili odlukom, morate uložiti žalbu prije roka navedenog u ovom dokumentu. **ODMAH:** Ako je potrebno, nazovite 866-239-0843 za pomoć u prijevodu i razumijevanju informacija u dokumentu(ima) kojeg ste primili.

ໝາງເຫດ ສາ
ຼສຳຄັນ! ເອກະສານນີ້ປະກອບດ້ວຍຂໍ້ມູນທີ່ສຳຄັນກ່ຽວກັບສິດທິການຊົດເຊີຍການຫວ່າງງານ, ຄວາມຮັບຜິດຊອບ ແລະ/ຫຼືຜົນປະໂຫຍດຂອງທ່ານ. ມັນເປັນສິ່ງ ສຳ ຄັນທີ່ທ່ານຕ້ອງເຂົ້າໃຈຂໍ້ມູນໃນເອກະສານນີ້. ກຳນົດເວລາການອຸທອນ: ຖ້າທ່ານບໍ່ເຫັນດີກັບການກຳນົດ ຫຼືການຕັດສິນໃຈນີ້, ທ່ານຕ້ອງຍື່ນອຸທອນກ່ອນກຳນົດເວລາທີ່ລະບຸໄວ້ໃນເອກະສານນີ້. ທັນທີ: ຖ້າຕ້ອງການ, ໃຫ້ໂທຫາ 866-239-0843 ສຳລັບການຊ່ວຍເຫຼືອໃນການແປ ແລະຄວາມເຂົ້າໃຈຂອງຂໍ້ມູນໃນເອກະສານທີ່ທ່ານໄດ້ຮັບ.

هام!
تحتوي هذه الوثيقة /الوثائق على معلومات مهمه حول حقوق تعويض البطالة ومزاياها، لذا من الأهمية فهم المعلومات الواردة فيها. وإن كنت غير موافق على ما تحمله هذه الوثيقة/ الوثائق فيجب عليك تقديم استئناف قبل الموعد النهائي المشار إليه في هذه الوثيقة والإتصال فورا على الرقم التالي: ٨٦٦٢٣٩٠٨٤٣ (866-239-0843) وإذا كنت بحاجة إلى مساعده في ترجمة وفهم المعلومات الواردة في هذه الوثيقة فلا تردد بالسؤال.