

EMPLOYMENT APPEAL BOARD[486]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 10A.601(6), the Employment Appeal Board hereby gives Notice of Intended Action to amend Chapter 2, “General Rules of Procedure,” and Chapter 3, “Unemployment Insurance Appeals,” Iowa Administrative Code.

These amendments will permit parties to file unemployment insurance appeals online using a form developed by the Iowa Workforce Development Department and made available through the Department’s Web site.

The Board does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

A waiver provision is not contained in this rule making as the proposed amendments provide a benefit to individuals seeking to file an appeal with the Board.

Any interested party may make written suggestions or comments on the proposed amendments on or before January 28, 2014. Such written materials should be addressed to Chairperson, Employment Appeal Board, Fourth Floor, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319; faxed to (515)281-7191; or e-mailed to rick.autry@dia.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 10A.601(6).

The following amendments are proposed.

ITEM 1. Amend rule **486—2.2(10A)**, definitions of “Appeal” and “Filing date,” as follows:

“Appeal” means any instrument, including an online appeal submitted through the online appeal form available on the Iowa workforce development Web site, used to notify the employment appeal board that the an aggrieved individual wishes to appeal a decision of an administrative law judge. The instrument must be in writing and signed by the individual or an authorized representative. If the instrument is signed by an authorized representative, the person or party filing the appeal must be designated in the document.

“Filing date” means the date prescribed by statute or rule for an action required to be taken. The filing date will be the date the document is postmarked, if filed by U.S. Postal Service; the date of the faxed document, if filed by facsimile transmission; the date of the document, if the postmark is illegible; the earliest date the transmission indicates that it was submitted if filed via the online appeal form; or the date received, if filed by any other means. If filed by fax, the original copy of the document shall be mailed to the employment appeal board. If the document is filed by U.S. Postal Service and the document contains both a postal meter mark and a U.S. Postal Service postmark, the U.S. Postal Service postmark shall be used to determine the filing date.

ITEM 2. Amend subrule 3.1(2) as follows:

3.1(2) Form and time of appeal. A party aggrieved by a decision of an administrative law judge may appeal to the employment appeal board within 15 days from the date of the decision. The appeal shall state the grounds for the appeal. ~~The~~ If sent by mail or courier, the appeal shall be addressed to Employment Appeal Board, Lucas State Office Building, Fourth Floor, 321 East 12th Street, Des Moines, Iowa 50319. The appeal may also be filed in any office maintained by the workforce development department which processes claims for unemployment insurance. Appeals may also be filed by facsimile transmission (fax). If the appeal is filed by fax, the original copy shall be mailed to the employment appeal board at the above address. The date of the appeal is the date of the fax transmission. Appeals

may also be filed online by completing and submitting an online appeal form available on the Iowa workforce development Web site.