

486—2.2(10A) Definitions. Definitions as used herein by the employment appeal board are as follows:

“Address of record” means address listed in the Iowa workforce development department’s unemployment decisions records.

“Aggrieved person” means an individual or company who has received an adverse ruling from an administrative law judge in a proceeding subject to appeal board review. It also means a company who has received a citation or citations from an OSHA inspector and wishes to contest that citation or citations. It also means a contractor who has been cited for failing to comply with the contractor registration laws and wishes to contest the citation.

“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 an aggrieved individual wishes to appeal a decision of an administrative law judge. The instrument must be in writing.

“Appeal board” means the employment appeal board.

“Claimant” is an individual who has filed a request for determination of insured status or a new claim for unemployment insurance benefits.

“Employer” is an individual, partnership or corporation who employed the claimant in the claimant’s base period, or was the last employer of the claimant or offered comparable suitable employment to a claimant, which the claimant refused.

“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.

“Good cause” cannot be defined in precise language because what is good cause in one circumstance may not be good cause in a different circumstance. It may be generally defined as that reasonable excuse given, under the circumstances of the case, to excuse an action which was not taken when it should have been taken. As an example, good cause for not appearing at a scheduled hearing would be if the individual had not received the notice of hearing in time to participate. The individual alleging good cause has the burden to establish that good cause did exist to excuse the failure to take the needed action.

“New or additional evidence” means any evidence, testimonial or documentary, which is filed after the date of the decision of the administrative law judge and which, if due diligence had been used, could have been presented to that administrative law judge. A request to file new or additional evidence, or both, must be made within ten days after the mailing of the notice to the parties that an appeal has been filed. Such request shall set forth the nature of the evidence, the materiality of such evidence, and the reasons why it was not introduced at the hearing before the administrative law judge.

“Remand request,” as interpreted by the employment appeal board, means a document indicating that the individual filing the document wishes the matter to be returned to the administrative law judge for a new hearing.

“Work product” means those documents produced by the agency which describe or portray the “mental impressions,” conclusions, opinions, or legal theories concerning the determination made by the agency as a result of agency investigation or inquiry.

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