

Cite as 2021 Ark. App. 421

ARKANSAS COURT OF APPEALS

DIVISION II

No. E-21-90

SHERYL SCOTT

APPELLANT

V.

DIRECTOR, DIVISION OF
WORKFORCE SERVICES

APPELLEE

Opinion Delivered November 3, 2021

APPEAL FROM THE ARKANSAS
BOARD OF REVIEW

[NO. 2021-BR-00177]

REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD

BART F. VIRDEN, Judge

Appellant, Sheryl Scott, appeals an adverse ruling of the Arkansas Board of Review (Board) affirming the Appeal Tribunal’s denial of her unemployment claim. Because our record does not contain a transcript of the December 9, 2020 hearing conducted by the Appeal Tribunal, we remand to the Board to settle and supplement the record to include the transcript of that hearing.

On August 18, 2020, the Division of Workforce Services issued a “Notice of Agency Determination” denying Scott’s claim for unemployment benefits. Scott filed a timely appeal of the determination to the Appeal Tribunal. On December 9, 2020, the Tribunal conducted a hearing on the merits of the appeal, and it affirmed the denial of her claim for benefits in a decision with a mailing date of December 16, 2020.

Scott then filed an untimely appeal to the Board. Pursuant to *Paulino v. Daniels*, 269 Ark. 676, 559 S.W.2d 760 (Ark. App. 1980), the Board held a hearing on February 3, 2021, to determine whether Scott's untimely appeal was due to circumstances beyond her control. Scott testified that after receiving the decision from the Tribunal, she became ill with coronavirus and was under quarantine during the time her appeal should have been filed. Ultimately, the Board found that her untimely appeal was due to circumstances beyond her control; however, they reviewed the Tribunal's decision and affirmed the Tribunal's denial of Scott's claim for unemployment benefits.

Scott has now appealed from the Board's decision denying her claim for benefits. However, because our record does not include a transcript of the December 9, 2020 hearing in which the testimony regarding Scott's appeal was presented before the Tribunal—and later considered by the Board in reaching its decision—we cannot reach the merits of her claim at this time.

This case is therefore remanded to the Board to settle and supplement the record to include the transcript of the December 9, 2020 hearing within thirty days.

Remanded to settle and supplement the record.

HARRISON, C.J., and GRUBER, J., agree.

Sheryl Scott, pro se appellant.

Cynthia L. Uhrynowycz, Associate General Counsel, for appellee.