

Cite as 2024 Ark. App. 124

ARKANSAS COURT OF APPEALS

DIVISION II

No. E-22-623

GEORGE MASON

APPELLANT

V.

DIRECTOR, DIVISION OF
WORKFORCE SERVICES

APPELLEE

Opinion Delivered February 21, 2024

APPEAL FROM THE ARKANSAS
BOARD OF REVIEW
[NO. 2022-BR-01139]

REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD

STEPHANIE POTTER BARRETT, Judge

George Mason appeals the Board of Review's (Board's) dismissal of his unemployment-benefits appeal on the basis that his untimely appeal to the Board was not due to circumstances beyond his control. Because our record does not contain a transcript of the October 12, 2022, hearing conducted by the Board on the timeliness issue, we remand to settle and supplement the record to include a transcript of that hearing.

On February 22, 2022, the Division of Workforce Services issued a determination denying Mason benefits on the finding that he had not shown good cause for delay in filing his initial claim. Mason filed a timely appeal of that determination to the Appeal Tribunal, which affirmed the disqualification after a hearing on March 23, 2022. Mason then filed an untimely appeal to the Board from the Appeal Tribunal decision.

On October 12, 2022, the Board held a hearing, pursuant to *Paulino v. Daniels*, 269 Ark. 676, 559 S.W.2d 760 (Ark. App. 1980), to determine if the untimely filing of the appeal was due to circumstances beyond Mason's control. As a result of that hearing, the Board concluded that Mason had failed to show that the late filing of his appeal was due to circumstances beyond his control. However, because our record does not contain a transcript of the October 12 *Paulino* hearing, we cannot reach the merits of Mason's claim at this time. We remand this case to the Board to settle and supplement the record. See *Robinson v. Dir.*, 2023 Ark. App. 585.

Remanded to settle and supplement the record.

GLADWIN and GRUBER, JJ., agree.

George Mason, pro se appellant.

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