

Cite as 2024 Ark. App. 327  
**ARKANSAS COURT OF APPEALS**  
DIVISION I  
No. E-23-187

JENNIFER M. BARNES

APPELLANT

V.

DIRECTOR, DIVISION OF  
WORKFORCE SERVICES

APPELLEE

Opinion Delivered May 22, 2024

APPEAL FROM THE ARKANSAS  
BOARD OF REVIEW  
[NO. 2023-BR-00012]

REMANDED TO SETTLE THE  
RECORD

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**RAYMOND R. ABRAMSON, Judge**

In this unbriefed employment-security-division case, Jennifer M. Barnes appeals the Arkansas Board of Review’s (the Board’s) decision dismissing her appeal as untimely. This is a companion case to *Barnes v. Director*, E-23-186 (affirmed without written opinion), and *Barnes v. Director*, 2024 Ark. App. 335, also handed down today. In conformity with our decision in *Barnes v. Director*, 2024 Ark. App. 335, we remand to the Board to settle the record.

On October 26, 2021, the Division of Workforce Services issued a notice of agency determination denying Barnes’s request for benefits on finding that she voluntarily left her last work without good cause connected with the work. Barnes appealed the decision, and

on January 18, 2022, the Appeal Tribunal dismissed the appeal as untimely. Barnes appealed to the Board.

In March 2023, a hearing was held, and on April 3, 2023, the Board issued a decision finding that Barnes untimely appealed to the Board. Barnes appealed to this court. However, on July 19, 2023, we remanded to the Board to correct the record because the transcript of the March hearing was not in the record.

On August 10, 2023, another hearing was held, and on August 11, the Board issued a decision again dismissing Barnes's appeal as untimely. The appeal is now before this court. However, the August 11 decision references Barnes's separate case concerning the appeal of the nonfraud overpayment determination requiring her to repay \$7,549 in benefits.<sup>1</sup> The decision does not reference the notice of agency determination denying Barnes's request for benefits on finding that she voluntarily left last work without good cause—which is the relevant claim in this case. Given this error, we remand this case to the Board to settle the record to reflect the claim at issue.

Remanded to settle the record.

GRUBER and WOOD, JJ., agree.

*Jennifer M. Barnes*, pro se appellant.

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

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<sup>1</sup>The \$7,549 overpayment decision is the subject of Barnes's appeal in E-23-186, which we affirm in our per curiam decisions issued without written opinion.