

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 07/28/2011
RUTH A. WILLINGHAM,
CLERK
BY: DLL

ANN E BOND,) Court of Appeals
) Division One
Appellant,) No. 1 CA-UB 11-0074
)
v.) A.D.E.S. Appeals Board
) No. U-1222744-BR
ARIZONA DEPARTMENT OF ECONOMIC)
SECURITY, an Agency,) DEPARTMENT C
)
and)
) **DECISION ORDER**
)
BLOOD SERVICES,)
)
Appellees.)
)

In our previous order to show cause, dated July 6, 2011, we granted the application for appeal and suspended the Arizona Rules of Civil Appellate Procedure pursuant to ARCAP Rule 3, pending the response of the Arizona Department of Economic Security ("ADES") showing cause why this Court should not reverse the decision appealed from. ADES responded to such order confessing error. Accordingly,

IT IS ORDERED reversing and remanding this case to the appropriate fact-finder, which we leave to ADES to determine, for an evidentiary hearing on whether claimant's excuse for untimely filing her appeal from the Appeal Tribunal's determination was a valid, legally-cognizable excuse.

No. 1 CA-UB 11-0074

A.D.E.S. Appeals Board
No. U-1222744-BR

IT IS FURTHER ORDERED that ADES's fact-finder shall receive evidence addressing whether claimant's excuse that she did not receive the original emailed decision of the Appeal Tribunal was valid.

IT IS FURTHER ORDERED that ADES provide the parties (1) notice of any documents that related to the timeliness issue, (2) copies of any such documents, and (3) a meaningful opportunity to respond to them.

/s/
DONN KESSLER, Judge