

Cite as 2023 Ark. App. 534

# ARKANSAS COURT OF APPEALS

DIVISION I

No. E-22-419

DANIEL ABADOM

APPELLANT

V.

DIRECTOR, DEPARTMENT OF  
WORKFORCE SERVICES

APPELLEE

Opinion Delivered November 15, 2023

APPEAL FROM THE ARKANSAS  
BOARD OF REVIEW

[NO. 2022-BR-00318]

REMANDED FOR FURTHER  
FINDINGS

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**MIKE MURPHY, Judge**

This is an unbriefed unemployment-benefits case. A companion case, No. E-22-420, is also being handed down today. Here, appellant, Daniel Abadom, challenges the Arkansas Board of Review's (Board's) decision that Abadom failed to establish good cause for the delay in filing an initial claim, thus denying his request to backdate his claim. We are unable to give this case and its companion meaningful review, however, due to inconsistencies in the record. Accordingly, we remand for the record to be clarified to settle the inconsistencies and, if necessary, for additional findings and conclusion of law.

After a thorough review of the record, it appears that there are discrepancies that cannot be overlooked. In this case, the Board ostensibly affirms the decision made by the Appeal Tribunal in appeal No. 2021-AT-23620. However, the Tribunal decision concerns whether Abadom is or was unemployed, was physically and mentally able to perform suitable

work, was available for such work, and doing those things a reasonably prudent individual would be expected to do to secure work as required by Arkansas Code Annotated section 11-10-507(3)(A) (Supp. 2023). Given this inconsistency, we are directing that the record be settled. See *Dawson v. Dir.*, 2023 Ark. App. 374, at 3. If adequate findings of fact are not made on the issue presented, we remand to the Board for findings of fact and conclusions of law upon which to perform proper appellate review. *Id.* Therefore, to remedy the inconsistencies, we remand to the Board with instructions to ascertain if a mistake has been made and, if so, to provide notice to the parties and correct the record accordingly and also, if necessary, for additional findings and conclusion of law.

Remanded for further findings.

WOOD and BROWN, JJ., agree.

*Daniel Abadom*, pro se appellant.

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