

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DAVID GRIFFIN  
29999 CSAH 25  
GROVE CITY MN 56243

RADIO SHACK CORPORATION  
c/o RIVERFRONT CAMP  
MAILSTOP CF5-313  
300 RADIOSHACK CIRCLE  
FT WORTH IA 76102-1964

Appeal Number: 05O-UI-11529-BT  
OC: 08/21/05 R: 12  
Claimant: Respondent (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Radio Shack Corporation (employer) appealed an unemployment insurance decision dated September 12, 2005, reference 01, which held that David Griffin (claimant) was eligible for unemployment insurance benefits. Administrative Law Judge Hillary conducted an initial hearing on this matter in appeal 05A-UI-09685-H2T, in which benefits were denied. The claimant appealed the decision, indicating he did not participate due to lack of notice. The Employment Appeal Board remanded for a new hearing in an order dated November 4, 2005. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 30, 2005. The claimant again did not participate in the hearing, so a new hearing was deemed unnecessary.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The appellant failed to provide a telephone number at which he could be reached for the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. There is no evidence the hearing notice was returned by the postal service as undeliverable for any reason.

The Findings of Fact set forth in the decision in appeal 05A-UI-09685-H2T are adopted and incorporated herein as if set forth at length.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 05A-UI-09685-H2T are adopted and incorporated herein as if set forth at length.

DECISION:

The unemployment insurance decision dated September 12, 2005, reference 01, is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The claimant is overpaid benefits in the amount of \$771.00.

sdb/kjw