

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PATTI LINDECKER
Claimant

HY-VEE INC
Employer

APPEAL NO. 20A-UI-04944-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (6R)

Iowa Code section 96.4(3) – Able & Available
Iowa Code § 17A.12(3) - Default

STATEMENT OF THE CASE:

Patti Lindecker filed a timely appeal from the May 22, 2020, reference 01, decision that denied benefits effective March 29, 20, based on the deputy's conclusion that Ms. Lindecker was not partially unemployed within the meaning of the law. A hearing was scheduled for November 2, 2020. Erin Bewley of Corporate Cost Control appeared on behalf of the employer. Patti Lindecker's daughter, Natalie Lindecker, appeared on behalf of the claimant and advised that the claimant passed away on September 14, 2020.

FINDINGS OF FACT:

On May 29, 2020, the claimant, Patti Lindecker, filed an appeal from the May 22, 2020, reference 01, decision that denied benefits effective March 29, 20, based on the deputy's conclusion that Ms. Lindecker was not partially unemployed within the meaning of the law. The appeal in this matter was original set for June 26, 2020. On June 23, 2020, Natalie Lindecker, the claimant's daughter, advised the administrative law judge that the claimant was undergoing radiation and chemo therapy and was unable and unavailable to participate in the appeal at that time. The appeal hearing was reset for August 31, 2020 for good cause shown.

At the time of the hearing set for August 31, 2020 Natalie Lindecker advised that Patti Lindecker was in the intensive care unit at Mercy Medical Center in Dubuque awaiting transfer to the University of Iowa Hospitals and Clinics where she was to undergo a second brain surgery to address swelling in connection with metastasized lung and brain cancer. Natalie Lindecker advised the administrative law judge that Patti Lindecker had not been lucid since Natalie Lindecker had spoken with the administrative law judge on June 23, 2020 and that her condition might not improve. Natalie Lindecker advised that neither she nor her father had secured a power of attorney. The administrative law judge rescheduled the appeal hearing to November 2, 2020 for good cause shown.

At the time of the hearing set for November 2, 2020, Natalie Lindecker advised that Patti Lindecker had passed away on September 14, 2020. Natalie Lindecker was understandably upset by the administrative law judge's call. The administrative law judge expressed his condolences. The administrative law judge advised that the appeal would be dismissed.

The administrative law judge has added a copy of the obituary to the administrative file.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge expresses his deep sympathy for Patti Lindecker's family.

In light of the claimant/appellant's passing, the administrative law judge deems it appropriate to dismiss the appeal pursuant to Iowa Code § 17A.12(3). This matter will be remanded to the Benefits Bureau for consideration of appropriate steps to be taken with regard to the overpayment of benefits in light of claimant's passing.

DECISION:

The claimant's appeal is dismissed in light of the claimant's passing. The May 22, 2020, reference 01, decision remains in place. This matter is remanded to the Benefits Bureau for consideration of appropriate steps to be taken with regard to the overpayment of benefits in light of claimant's passing.



James E. Timberland
Administrative Law Judge

November 3, 2020
Decision Dated and Mailed

jet/rr