

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

KARYN S WALTERS
Claimant

APPEAL NO. 090-UI-02226-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DILLARD'S INC
Employer

OC: 11/30/08
Claimant: Respondent (2R)

Iowa Code § 96.5(1) – Voluntary Leaving
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
871 IAC 26.8(5) – Decision on the Record

STATEMENT OF THE CASE:

The employer filed a timely appeal from the December 18, 2008, reference 01, decision that allowed benefits. After due notice was issued, a remand hearing was scheduled to be held on March 5, 2009. Neither the claimant nor the employer responded to the hearing notice and no hearing was held. Because the Employment Appeal Board did not vacate the original appeal decision number 08A-UI-12035-H2T, that hearing record is adopted and incorporated herein.

ISSUE:

The issue is whether the original appeal decision should be adopted.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the January 9, 2009 administrative law judge's findings of fact in appeal number 08A-UI-12035-H2T is hereby adopted and incorporated herein as the findings of fact for appeal number 090-UI-02226-LT.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the January 9, 2009 administrative law judge's reasoning and conclusions of law in appeal number 08A-UI-12035-H2T is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal number 090-UI-02226-LT.

DECISION:

Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the January 9, 2009 administrative law judge's decision in appeal

number 08A-UI-12035-H2T is hereby adopted and incorporated herein as the decision for appeal number 09O-UI-02226-LT. Benefits are withheld until such time as the claimant works in and has been paid wages equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant is overpaid benefits in the amount of \$550.00.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css