

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

ERIC L HARRIS
430 JACOLYN DR SW APT 3
CEDAR RAPIDS IA 52404

WESTSTAFF USA INC
TALX UCM SERVICES INC
PO BOX 283
ST LOUIS MO 63166 0283

Appeal Number: 05O-UI-05295-H2T
OC: 02-06-05 R: 03
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Leaving
Section 96.5-2-a - Discharge/Misconduct
Section 96.3-7 - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer appealed a representative's unemployment insurance decision dated March 7, 2005, reference 01, which held that the claimant was eligible for unemployment insurance benefits. Administrative Law Judge Donner conducted an initial hearing on this matter in appeal 05A-UI-02868-DT in which benefits were denied. The claimant appealed the decision indicating he did not participate due to the fact that he did not receive the notice of hearing. The Employment Appeal Board remanded for a new hearing in an order dated May 16, 2005. After hearing notices were mailed to the parties' last-known addresses of record, a hearing was

scheduled to be held on June 8, 2005. The claimant did not call in to provide a number where he could be reached for the hearing and did not participate in the hearing or request a postponement as required by the hearing notice. Since the remand was for the purpose of allowing the claimant to participate, no additional testimony was taken.

FINDINGS OF FACT:

The administrative law judge finds that: The Findings of Fact set forth in the decision in appeal number 05A-UI-02868-DT 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 number 05A-UI-02868-DT are adopted and incorporated herein as if set forth at length.

DECISION:

The representative's unemployment insurance decision dated March 7, 2005, reference 01, reversed. Benefits are denied. The claimant is overpaid unemployment insurance benefits in the amount of \$1409.00.

tkh/tjc