

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSHUA T LAW
Claimant

HAGEN INSTALLATIONS INC
Employer

APPEAL 18R-UI-01173-H2T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 10/29/17
Claimant: RESPONDENT (1)

Iowa Code § 96.5(1) – Voluntary Leaving
Iowa Code § 96.3(7) - Recovery of Benefit Overpayment
871 IAC 24.10 – Employer Participation in the fact-finding Interview

STATEMENT OF THE CASE:

The employer filed an appeal from the November 29, 2017, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 28, 2017. Claimant did not participate. The claimant did not register his telephone number for the hearing, until after the hearing had been completed. Employer participated through Tom Hagen, Owner, and Robert Fitch, on-site supervisor.

On January 3, 2018 a decision was issued denying claimant unemployment insurance benefits and finding the claimant obligated to repay the agency for benefits he received and relieving the employer from any charges for the benefits paid to the claimant. The claimant appealed to the Employment Appeal Board (EAB) who remanded for a new hearing to allow the claimant to participate. The decision issued in 17A-UI-12497-H2T was not vacated by the EAB. After due notice was issued another hearing was scheduled for February 21, 2018. The claimant did not register a telephone number where he could be reached for the hearing. As the only reason for the remand was to allow for claimant participation, no new hearing was held when the claimant failed to register to participate in the February 21, 2018 hearing. Because the Employment Appeal Board did not vacate the original appeal decision number 17A-UI-12497-H2T, that hearing record is adopted and incorporated herein.

ISSUE:

Should the original decision issued for appeal number 17A-UI-12497-H2T 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 EAB remand, the January 3, 2018, administrative law judge's findings of fact in appeal number 17A-UI-12497-H2T are hereby adopted and incorporated herein as the findings of fact for appeal number 18R-UI-01173-H2T.

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 EAB remand, the January 3, 2018, administrative law judge's reasoning and conclusions of law in appeal number are hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal number 18R-UI-01173-H2T.

DECISION:

Inasmuch as the decision was not vacated as a result of the EAB remand, the January 3, 2018, administrative law judge's decision in appeal number 17A-UI-12497-H2T is hereby adopted and incorporated herein as the decision for appeal number 18R-UI-01173-H2T.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs