## BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor Des Moines, Iowa 50319

LUCINDA M MOORE	: : : HEARING NUMBER: 09B-UI-14071
Claimant,	
and	EMPLOYMENT APPEAL BOARD
DOLGENCORP LLC/DOLLAR GENERAL	:

Employer.

## NOTICE

THIS DECISION BECOMES FINAL unless (1) a request for a REHEARING is filed with the Employment Appeal Board within 20 days of the date of the Board's decision or, (2) a PETITION TO DISTRICT COURT IS FILED WITHIN 30 days of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within 30 days of the date of the denial.

SECTION: 17A.12-3

## DECISION

## UNEMPLOYMENT BENEFITS ARE DENIED

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is AFFIRMED with the

following **MODIFICATION**:

The Employment Appeal Board would modify the Reasoning and Conclusions of Law to reflect that the agency entered a default ruling for which it had no authority. 871 IAC 26.14(9) provides, in relevant part, that "... a party's failure to participate in a contested case hearing **shall not** result in a decision automatically being entered against it."

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/ss