

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUANITA J PLEDGE
Claimant

APPEAL NO. 09O-UI-18203-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WESTAR FOODS INC
Employer

OC: 08-02-09
Claimant: Respondent (2R)

Section 96.5-1 – Voluntary Leaving
Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the September 8, 2009, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call on October 5, 2009 in front of administrative law judge Julie Elder. The claimant did participate. The employer did participate through Carrie Sinke, General Manager; John Kelchen, District Manager and was represented by Jeff Oswald of Employers Unity. Administrative Law Judge Elder issued a decision denying benefits and remanding for a determination of the amount of unemployment insurance benefits overpaid to the claimant. The claimant appealed Administrative Law Judge Elder's decision to the Employment Appeal Board. The Board did not vacate Administrative Law Judge Elder's decision but remanded for a new hearing when the recording of the hearing held October 5, 2009 could not be located. After due notice was issued another hearing was scheduled for January 13, 2010. Neither the employer nor the claimant called in to provide a telephone number where they could be reached for the hearing. Neither the claimant nor the employer requested a continuance of the hearing.

ISSUE:

The issue set out in Appeal number 09A-UI-13507-ET is adopted and incorporated as if set out herein.

FINDINGS OF FACT:

The Finding of Facts set out in Appeal number 09A-UI-13507-ET are adopted and incorporated as if set out herein.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law set out in Appeal number 09A-UI-13507-ET are adopted and incorporated as if set out herein.

DECISION:

The Decision set out in Appeal number 09A-UI-13507-ET is adopted and incorporated as if set out herein.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs