

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOY A LEEPER**  
Claimant

**APPEAL NO. 10A-UI-00395-A**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEARS ROEBUCK & CO**  
Employer

**OC: 12/06/09**  
**Claimant: Respondent (6)**

871 IAC 26.9(8) – Dismissal of Appeal

**STATEMENT OF THE CASE:**

Sears Roebuck & Co. filed a timely appeal from an unemployment insurance decision dated December 31, 2009, reference 01, that allowed benefits to the claimant. Through her attorney, the claimant submitted interrogatories but the employer declined to answer, indicating that it would not participate in any further proceedings.

**ISSUE:**

Should the appeal be dismissed?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The employer, the appellant herein, has declined to answer the claimant's interrogatories and has stated that it would not participate in any further proceedings in this case.

**REASONING AND CONCLUSIONS OF LAW:**

Prehearing discovery is allowed in unemployment insurance appeals. See 871 IAC 26.9. The administrative law judge may dismiss an appeal if the appellant refuses to participate in prehearing discovery when asked to do so. See 871 IAC 26.9(8)e. The evidence in this record establishes that the employer meets the criteria for dismissal of its appeal.

**DECISION:**

The unemployment insurance decision dated December 31, 2009, reference 01, remains in effect as if no appeal had been filed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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