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

CINDY K WALSTROM	HEARING NUMBER: 17BUI-04259
Claimant	E HEARING NOWIBER. 17 BOI-04239
and	EMPLOYMENT APPEAL BOARD
CLASSIC DOUGH INC	E DECISION

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:** 96.5-2-A, 96.3-7

## 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 administrative law judge's Findings of Fact by adding the following:

lowa Workforce records in the file show that the claims deputy attempted to contact the Employer to participate in the Fact-finding Interview twice, each time allowing the phone to ring ten times with no answer from the Employer.

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law to include the following as supportive legal analysis:

The Employer did *not* make itself available to participate in the Fact-finding Interview and therefore its account shall be charged, and the Claimant is *not* obligated to repay the overpayment.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv