

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRYAN R HAHN
Claimant

APPEAL NO. 08O-UI-05862-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 10-21-07 R: 02
Claimant: Respondent (2)

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 May 15, 2008, reference 05, decision that allowed benefits. After due notice was issued, a hearing was held on June 5, 2008 in front of administrative law judge Terence P. Nice. The claimant did not participate. The employer did participate through Holly Burtness. On June 11, 2008, Judge Nice issued a decision finding the claimant voluntarily quit his employment without good cause attributable to the employer and that the claimant was overpaid unemployment insurance benefits in the amount of \$394.00. The claimant appealed the decision to the Employment Appeal Board who remanded for another hearing after they determined that the claimant did not receive the hearing notice for the June 5, 2008 hearing. Another hearing notice was sent out to both the claimant and the employer on June 27, 2008 indicating that a hearing would be held on July 14, 2008. Holly Burtness called to provide her name and telephone number where she could be reached for the hearing. The claimant did not call in to report his name and phone number where he and any of his witnesses could be reached for the hearing. Since the only reason for the new hearing was to allow the claimant to participate, no additional testimony was taken from Ms. Burtness. The June 11, 2008 decision from Judge Nice was not vacated by the Employment Appeal Board and is adopted in its entirety herein.

ISSUE:

The issue set out in appeal number 08A-UI-04900-NT is adopted and included as if set out herein.

FINDINGS OF FACT:

The findings of fact set out in appeal number 08A-UI-04900-NT are adopted and incorporated as if set out herein.

REASONING AND CONCLUSIONS OF LAW:

The reasoning and conclusions of law in appeal number 08A-UI-04900-NT are adopted and incorporated as if set out herein.

DECISION:

The decision set out in appeal number 08A-UI-04900-NT is adopted and incorporated as if set out herein. The representative's decision dated May 15, 2008, reference 05, is reversed. The claimant has been overpaid unemployment insurance benefits in the amount of \$394.00.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css