

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LASALLE BOYKIN**

Claimant

**APPEAL NO. 11O-UI-08916-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWIFT PORK COMPANY**

Employer

**OC: 02-27-11**

**Claimant: Respondent (2-R)**

Iowa Code § 96.5(2)a – Discharge/Misconduct  
Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the March 28, 2011, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on April 29, 2011 in front of Administrative Law Judge Dévon Lewis. The claimant did participate. The employer did participate through Aurliano Diaz, Human Resources Manager. The claimant appealed the decision to the Employment Appeal Board, which remanded for a new hearing without vacating the decision issued by Judge Lewis. After due notice was issued, another hearing was scheduled for September 6, 2011. Again, the claimant did not follow the hearing notice instructions and did not call in to participate in the hearing.

**ISSUE:**

The issue set out in 11A-UI-04399-LT is adopted in its entirety as if set out fully herein.

**FINDINGS OF FACT:**

The findings of fact set out in 11A-UI-04399-LT is adopted in its entirety as if set out fully herein.

**REASONING AND CONCLUSIONS OF LAW:**

The reasoning and conclusions of law set out in 11A-UI-04399-LT is adopted in its entirety as if set out fully herein.

**DECISION:**

The decision set out in 11A-UI-04399-LT is adopted in its entirety as if set out fully herein.

**REMAND:**

The remand set out in 11A-UI-04399-LT is adopted in its entirety as if set out fully herein.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/kjw