

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERRY A DANIELSEN

Claimant

APPEAL NO. 100-UI-02422-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

OC: 09/06/09

Claimant: Respondent (1)

Section 96.5(2)a - Discharge for Misconduct

STATEMENT OF THE CASE:

Wal-Mart Stores, Inc. filed an appeal from a representative's decision dated October 9, 2009, reference 01, which held that no disqualification would be imposed regarding Terry Danielsen's separation from employment. After due notice was issued, a hearing was held by telephone on November 24, 2009. The December 8, 2009 decision of the administrative law judge reversed the allowance and Mr. Danielsen appealed. On February 12, 2010, the Employment Appeal Board remanded the matter for a new hearing because there was no recording of the prior hearing.

Pursuant to the remand order, due notice was issued scheduling the matter for a telephone hearing on March 30, 2010. Neither party responded to the notice of hearing. The administrative law judge attempted to reach the parties at the telephone numbers provided for the prior hearing. A voice message was left for Mr. Danielsen. There was no answer at the employer's number. Because neither party was available for the hearing, no hearing was held.

ISSUE:

At issue in this matter is whether Mr. Danielsen was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Both parties participated in the hearing held before Administrative Law Judge Terence Nice on November 24, 2009. Judge Nice's decision was made after reviewing the evidence presented by both parties. Inasmuch as there was no new evidence presented on remand, the undersigned sees no reason to retreat from the findings made by Judge Nice.

The "Findings of Fact" made by Judge Nice in the decision of December 8, 2009 are hereby incorporated as though fully set forth herein.

REASONING AND CONCLUSIONS OF LAW:

The “Reasoning and Conclusions of Law” made by Judge Nice are hereby incorporated as though fully set forth herein.

DECISION:

The “Decision” of Judge Nice is hereby incorporated as though fully set forth herein.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs