

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MONICA A MURRA
Claimant

WAL-MART STORES INC
Employer

APPEAL 16R-UI-12861-DL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/07/16
Claimant: Appellant (2)

Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated September 1, 2016, (reference 01) that denied benefits based upon a discharge from employment. A hearing was held in Dubuque, Iowa, on October 17, 2016, when the employer did not appear and a decision allowing benefits was issued on October 19, 2016. The employer appealed to the Employment Appeal Board (EAB), which remanded on November 30, 2016, for another hearing because the recording was not audible. Notice of hearing was mailed to the parties' last known addresses of record for a telephone hearing to be held at 9:00 a.m. on March 10, 2017. A review of the Appeals Bureau's conference call system after 9:15 a.m. the same day shows both parties failed to respond to the hearing notice and register a telephone number at which they could be reached for the hearing. Because the EAB did not vacate the original appeal decision 16A-UI-10077-DL-T, that hearing record, including any exhibits, is adopted and incorporated herein.

ISSUE:

Should the original appeal decision be adopted?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's findings of fact in appeal 16A-UI-10077-DL-T is hereby adopted and incorporated herein as the findings of fact for appeal 16R-UI-12861-DL-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's reasoning and conclusions of law in appeal 16A-UI-10077-DL-T is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal 16R-UI-12861-DL-T.

DECISION:

Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's decision in appeal 16A-UI-10077-DL-T is hereby adopted and incorporated herein as the decision for appeal 16R-UI-12861-DL-T. Benefits are allowed, provided the claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs