

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BOBBIE L QUASS

Claimant

APPEAL 20R-UI-11833-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAVERLY HEALTH CENTER

Employer

OC: 03/29/20

Claimant: Respondent (2)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 17A.12(3) – Default Decision
Iowa Admin. Code r. 871-26.14(7) – Dismissal of Appeal on Default

STATEMENT OF THE CASE:

The employer filed an appeal from the July 6, 2020, (reference 01) unemployment insurance decision that allowed benefits. A hearing was held before an administrative law judge on August 11, 2020. The administrative law judge reversed the decision allowing benefits and found claimant was disqualified from receiving unemployment insurance benefits based on her separation from employment. Claimant filed an appeal with the Employment Appeal Board (EAB). The EAB remanded the case for a new hearing so claimant could participate. Due notice was issued for a hearing scheduled for November 18, 2020, at 9:00 a.m. The claimant did not respond to the hearing notice and did not register for the hearing. Because the EAB did not vacate the original appeal decision 20A-UI-07541-B2-T, that hearing record, including any exhibits, is adopted and incorporated herein. No additional hearing was held.

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 20A-UI-07541-B2-T is hereby adopted and incorporated herein as the findings of fact for appeal 20R-UI-11833-CL-T.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that the original administrative law judge decision was not vacated as a result of the Employment Appeal Board remand. Claimant did not appear for the rescheduled hearing. The EAB remanded the case solely to allow claimant the opportunity to participate. The administrative law judge's reasoning and conclusions of law in appeal 20A-UI-07541-B2-T is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal 20R-UI-11833-CL-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 20A-UI-07541-B2-T is hereby adopted and incorporated herein as the decision for appeal 20R-UI-11833-CL-T. The July 6, 2020, (reference 01), unemployment insurance decision is reversed. Benefits are withheld until such time as the claimant works in and has been paid wages equal to ten times her weekly benefit amount, provided she is otherwise eligible. Claimant is overpaid regular unemployment insurance benefits in the amount of \$654.00, but is not required to repay those benefits due to employer's lack of participation in the fact finding interview. Claimant is overpaid Federal Pandemic Unemployment Compensation benefits in the amount of \$3,600.00 and is required to repay those benefits.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

November 24, 2020
Decision Dated and Mailed

cal/scn

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.