

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STACEY A BEIERLE

Claimant

APPEAL 17R-UI-10304-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KINSETH HOTEL CORPORATION

Employer

OC: 06/04/17

Claimant: RESPONDENT (2)

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 August 17, 2017, (reference 02) unemployment insurance decision that allowed benefits. After due notice was issued, a telephone hearing was held on September 18, 2017 in front of Administrative Law Judge Stephanie R. Callahan. The claimant did not participate in the hearing. The employer did participate and in a decision issued on September 20, 2017 Judge Callahan reversed the fact-finder's allowance of benefits for the claimant. The claimant appealed to the Employment Appeal Board (EAB) who remanded for a new hearing to allow the claimant to participate. After the EAB remanded due notice was issued, a hearing was scheduled to be held on October 26, 2017 at 11:00 a.m. Both the claimant and the employer responded to the hearing notice and registered their respective telephone numbers on the C2T system to be called for the hearing. When the claimant was called to begin the hearing, she did not answer the telephone. The administrative law judge left a message for the claimant to return her call to participate in the hearing. The claimant did not call back to participate in the hearing. Because the EAB did not vacate the original appeal decision 17A-UI-08795-SC-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 EAB remand, the administrative law judge's findings of fact in appeal 17A-UI-08795-SC-T is hereby adopted and incorporated herein as the findings of fact for appeal 17R-UI-10304-H2T.

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 EAB remand, the administrative law judge's

reasoning and conclusions of law in appeal 17A-UI-08795-SC-T is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal 17R-UI-10304-H2T.

DECISION:

Inasmuch as the decision was not vacated as a result of the EAB remand, the administrative law judge's decision in appeal 17A-UI-08795-SC-T is hereby adopted and incorporated herein as the decision for appeal 17R-UI-10304-H2T. 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. The claimant has been overpaid unemployment insurance benefits in the amount of \$442.00 and is obligated to repay the agency those benefits. The employer participated in the fact-finding interview and their account shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs