

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HOLLIE M MURPHY
Claimant

APPEAL 20R-UI-11465-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LUTHERAN SERVICES IN IOWA INC
Employer

OC: 04/19/20
Claimant: Respondent (2)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview
PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Employer filed an appeal from the June 1, 2020 (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was held on July 16, 2020 in Appeal Number 20A-UI-05845-JC-T. Employer participated in the hearing through Jenna Bassingwaite and Jessi Martin. Claimant did not participate in the hearing because she did not respond to the hearing notice and provide a telephone number at which she could be reached for the scheduled hearing. Employer's Exhibits 1 – 4 were admitted. Official notice was taken of the administrative record. On July 31, 2020, Administrative Law Judge Coe issued a decision reversing the June 1, 2020 (reference 01) decision, denying benefits, and finding claimant was overpaid benefits.

On August 17, 2020, claimant appealed to the Employment Appeal Board (EAB). On September 14, 2020, the EAB remanded this matter to the Appeals Bureau for a hearing on the merits. Upon remand, due notice was issued and a hearing scheduled for November 10, 2020 at 9:00 a.m. No hearing was held because neither party was available at the telephone number registered for the hearing at the appointed time. Inasmuch as the decision was not vacated as a result of the EAB remand, the hearing record and administrative law judge's finding of fact in appeal 20A-UI-05845-JC-T are adopted and incorporated.

ISSUES:

Whether claimant's separation was a discharge for disqualifying job-related misconduct or a voluntary quit without good cause attributable to employer.

Whether claimant was overpaid benefits.

Whether claimant should repay those benefits and/or whether employer should be charged based upon its participation in the fact-finding interview.

Whether claimant is eligible for Federal Pandemic Unemployment Compensation.

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 20A-UI-05845-JC-T are hereby adopted and incorporated herein as the findings of fact for the above-captioned appeal.

REASONING AND CONCLUSIONS OF LAW:

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 20A-UI-05845-JC-T are hereby adopted and incorporated herein as the reasoning and conclusions of law for the above-captioned appeal.

DECISION:

Inasmuch as the decision was not vacated as a result of the EAB remand, the administrative law judge's decision in appeal 20A-UI-05845-JC-T is hereby adopted and incorporated herein as the decision for the above-captioned appeal.



Adrienne C. Williamson
Administrative Law Judge
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November 23, 2020
Decision Dated and Mailed

acw/mh