

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ABDELSALAM I ALI

Claimant

APPEAL NO. 13R-UI-10734-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

OC: 11/11/12

Claimant: Respondent (2R)

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

Iowa Code § 96.3(7) – Overpayment

STATEMENT OF THE CASE:

The employer filed an appeal from the January 4, 2013, (reference 01) unemployment insurance decision that allowed benefits. After due notice was issued a hearing was held before administrative law judge Terence P. Nice, on February 14, 2013. The claimant participated personally without the aid of an interpreter. The employer participated by Eric Acker, Loss Prevention Worker and Jennifer Coder, Personnel Coordinator. On February 15, 2013 administrative law judge filed a decision denying claimant unemployment insurance benefits and remanding for a determination of his overpayment of benefits. The claimant appealed to the Employment Appeal Board on February 25, 2013. In a three to zero summary decision the Employment Appeal Board affirmed the denial of benefits on April 15, 2013. The claimant, now represented by counsel, appealed to the Iowa District Court. The Employment Appeal Board asked to have the appeal remanded for an additional hearing with an interpreter to aid the claimant. The Iowa district court remanded for an additional hearing which after due notice was issued was held on October 24 2013 in front of administrative law judge Teresa K. Hillary. Claimant participated and was assisted by interpreter Magdy Salama and was represented by Chris Rottler, Attorney at Law. The EAB allowed testimony from the employer during the February 14, 2013 hearing to be included in this record. As administrative law judge Nice is on extended leave the case was assigned to administrative law judge Hillary. Employer did participate through Kelly Verwers, Training Coordinator. Employer's exhibit one was entered and received into the record.

ISSUE:

Was the claimant discharged due to job connected misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: the findings of fact set out in 13A-UI-00512-NT are adopted as if set out fully herein. The claimant was able to write in English well enough to detail his explanation of events during the

employer's investigation. The claimant was seen on surveillance taking food items that did not belong to him that he had not paid for and that he had not been given permission to take. The claimant stole from the employer and was discharged for theft.

REASONING AND CONCLUSIONS OF LAW:

The reasoning and conclusions of law set out in 13A-UI-00512-NT are adopted as if set out fully herein. The claimant committed theft from the employer. Theft from the employer, no matter how small is conduct not in the employer's best interests and is sufficient to disqualify the claimant from receipt of unemployment insurance benefits. Benefits are denied.

DECISION:

The Decision set out in 13A-UI-00512-NT is adopted as if fully set out herein. Benefits are denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs