

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTA A POTTER
Claimant

APPEAL NO. 12O-UI-10340-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA
Employer

OC: 05/06/12
Claimant: Respondent (2/R)

Section 96.5-2-a – Discharge for Misconduct
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Wells Fargo Bank (employer) appealed a representative's May 21, 2012 decision (reference 01) that concluded Krista Potter (claimant) was discharged and there was no evidence of willful or deliberate misconduct. Administrative Law Judge Nice issued a decision on June 28, 2012, reversing the representative's decision. A decision of remand was issued by the Employment Appeal Board on August 24, 2012. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 19, 2012. The claimant participated personally and through Lashone Polk, former co-worker. The employer was represented by Kelly Landolphi, Hearings Representative, and participated by Tammy Cook, Loan Administration Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The Finding of Fact of the administrative law judge in appeal 12A-UI-06230-NT are adopted and incorporated herein as if set forth at length.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 12A-UI-06230-NT are adopted and incorporated herein as if set forth at length.

DECISION:

The representative's May 21, 2012 decision (reference 01) is reversed. The claimant is not eligible to receive unemployment insurance benefits because the claimant was discharged from work for misconduct. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible. The issue of the overpayment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css