

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

ANDY J VILKS  
c/o D L VILKS  
3023 KINGMAN BLVD APT 4  
DES MOINES IA 50311

QWEST CORPORATION  
c/o EMPLOYERS UNITY INC  
PO BOX 749000  
ARVADA CO 80006-9000

Appeal Number: 04A-UI-01989-B4T  
OC: 10-12-03 R: 02  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

871 IAC 24.28(6) – Whether This Issue Has Been Previously Adjudicated

STATEMENT OF THE CASE:

Andy J. Vilks appealed from an unemployment insurance decision dated February 13, 2004, reference 05, that held, in part, as follows:

You are not eligible to receive unemployment insurance benefits. Qwest Corporation will not be charged for benefits paid.

Explanation of Decision:

A decision on the October 14, 2003 separation was made on a prior claim and that decision remains in effect.

A consolidated telephone conference hearing was scheduled and held on March 11, 2004, pursuant to due notice. Andy J. Vilks, also sometimes known as Andris J. Vilks, participated. Leslie Bohler, Human Resources Representative for Employers Unity, Inc., represented the employer during the hearing. Joan Boley, Clinical Case Manager, and Curtis Zellmer, Supervisor, participated on behalf of the employer as witnesses.

Official notice was taken of the unemployment insurance decision dated November 14, 2003, reference 02, together with the pages attached thereto (7 pages in all). Claimant's Exhibit A was admitted into evidence.

#### FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Andy J. Vilks filed an initial claim for benefits having an effective date of October 12, 2003. Subsequently, a fact-finding interview was held and a decision, dated November 14, 2003, reference 02, was dated and mailed to the parties of record. The said decision, held in effect, the claimant was discharged for misconduct in connection with his employment at Qwest Corporation on October 14, 2003. Unemployment insurance benefits were denied.

The decision under consideration dated November 14, 2003, reference 02, was reversed by the decision in appeal 04A-UI-01988-B4T which is the companion matter to this consolidated hearing. Said decision was modified in favor of the claimant and held that the claimant was discharged from his employment with Qwest Corporation on October 14, 2003 for no disqualifiable reason. Unemployment insurance benefits were allowed. In addition, the decision held that a timely appeal had been filed on behalf of the claimant which provided jurisdiction to enter upon such determination.

#### REASONING AND CONCLUSIONS OF LAW:

A decision has been made on the nature of the claimant's termination of employment with Qwest Corporation on October 14, 2003 in appeal 04A-UI-01988-B4T. Under such circumstances, the nature of the claimant's termination of employment with Qwest Corporation has been determined and this matter should be reversed.

#### DECISION:

The unemployment insurance decision dated February 13, 2004, reference 05, is reversed. A decision on the October 14, 2003 separation was made in appeal 04A-UI-01988-B4T and that decision remains in effect.

tjc/b