

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRAD OPPEDAHL
Claimant

APPEAL NO: 07O-UI-00352-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEDERAL EXPRESS CORP
Employer

**OC: 10-29-06 R: 03
Claimant: Respondent (2)**

Section 96.5(2) – Discharge for Misconduct
Section 96.3-7 – Recovery of Benefit Overcharge

STATEMENT OF THE CASE:

Federal Express (appellant) appealed an unemployment insurance decision dated November 21, 2006, reference 01, which held that Brad Oppedahl (claimant) was eligible for unemployment insurance benefits. Administrative Law Judge Carolyn Coleman conducted an initial hearing on this matter in appeal 06A-UI-11530-CT in which benefits were denied. The claimant appealed the decision indicating he did not participate due to the fact he received notice Saturday, December 16, 2006, and contacted the Agency the following Monday to request a postponement of the hearing but his request was denied. The Employment Appeal Board remanded for a new hearing in an order dated January 5, 2007. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 15, 2007, and continued March 14, 2007. Based on the evidence, the arguments of the parties, the exhibits and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision. Employer's Exhibits One through Fourteen were admitted into evidence.

ISSUE:

The issue is whether the claimant was discharged for disqualifying job misconduct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The Findings of Fact set forth in the decision in appeal 06A-UI-11530-CT 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 06A-UI-11530-CT are adopted and incorporated herein as if set forth at length.

DECISION:

The unemployment insurance decision dated November 21, 2006, reference 01, is reversed. Benefits are denied until such time as the claimant has worked in and been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible. The claimant is overpaid benefits in the amount of \$1,041.00.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs