

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTINE GREFE

Claimant

APPEAL 20R-UI-12065-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRINNELL STAFFING LLC

Employer

OC: 03/22/20

Claimant: Appellant (4)

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

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant, Christine Grefe, filed an appeal from the July 6, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits based upon a March 17, 2020 separation. After proper notice, a telephone hearing was conducted on August 31, 2020 with Administrative Law Judge Heather Palmer. Attorney Harley Erbe represented Grefe. Grefe appeared and testified. Julie Williams and Chris Krohn appeared on behalf of Grefe, but did not testify. The employer did not appear. The initial decision which denied benefits to claimant was reversed, and benefits were allowed. See 20A-UI-08480-HP-T.

The employer appealed the hearing decision to the Employment Appeal Board (EAB) who remanded the matter for a new hearing to allow the employer to participate. After proper notice, a telephone hearing was held on November 23, 2020 before Administrative Law Judge Jennifer Beckman. The claimant participated personally and was represented by Harley Erbe, attorney at law. Julie Williams and Chris Krohn also testified. Cinda Siwach, director of human resources, testified for the employer.

Ms. Siwach testified on behalf of the employer and approximately thirty minutes into the hearing, during cross-examination, she disconnected unexpectedly. Three attempts were made to contact her thereafter and two voicemail provided, directing her to call the Appeals Bureau immediately to participate. She did not respond.

The administrative law judge took official notice of the administrative record, and previous record for Appeal 20A-UI-08480-HP-T was adopted into the record. Ms. Grefe, Mr. Krohn and Ms. Williams provided additional testimony. Based on the prior record, and testimony of Ms. Siwach, Ms. Grefe, Ms. Williams and Mr. Krohn at the November 23, 2020 hearing, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the claimant discharged for disqualifying job-related misconduct?
Has the claimant been overpaid any unemployment insurance benefits?
Is the claimant 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- 08480-HP-T is hereby adopted and incorporated herein as the findings of fact for Appeal 20R-UI-12065-JC-T.

This decision adds:

Ms. Siwach did not personally observe the final incident which led to separation. Ms. Williams and Mr. Krohn were both present at the facility on the day of the final incident. Neither witnessed the claimant berating the executive director or acting disrespectful.

The claimant has filed for and received regular stated-funded unemployment insurance benefits in the amount of \$12,506.00 since establishing her claim for benefits with an effective date of March 22, 2020. Claimant also has received federal FPUC and PEUC benefits.

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- 08480-HP-T is hereby adopted and incorporated herein as the findings of fact for Appeal 20R-UI-12065-JC-T.

Because the claimant is allowed regular unemployment insurance benefits, she is also eligible for FPUC, provided she is otherwise eligible. The employer is not charged for these federal benefits.

The parties are reminded that under Iowa Code § 96.6-4, a finding of fact or law, judgment, conclusion, or final order made in an unemployment insurance proceeding is binding only on the parties in this proceeding and is not binding in any other agency or judicial proceeding. This provision makes clear that unemployment findings and conclusions are only binding on unemployment issues, and have no effect otherwise.

DECISION:

The unemployment insurance decision dated July 6, 2020, (reference 02) is modified in favor of appellant. Inasmuch as the decision was not vacated as a result of the EAB remand, the administrative law judge's decision in Appeal 20A-UI- 08480-HP-T is hereby adopted and incorporated herein as the decision for Appeal 20R-UI-12065-JC-T.

The claimant was discharged for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible. She is not overpaid benefits or FPUC.



Jennifer L. Beckman
Administrative Law Judge
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December 4, 2020
Decision Dated and Mailed

jlb/scn