

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

CHRIS R EILERS
1708 LAFAYETTE
WATERLOO IA 50703

WESTSTAFF USA INC
C/O EMPLOYMENT TAX CONSULTING
440 W COLORADO ST #204
GLENDALE CA 91204

AMENDED

Appeal Number: 04A-UI-03215-S2T
OC: 02/15/04 R: 03
Claimant: Appellant (2)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-2-a – Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

Chris Eilers (claimant) appealed a representative's March 15, 2004 decision (reference 01) that concluded the October 3, 2003, separation from work with Weststaff U.S.A. (employer) had been previously adjudicated as a disqualifying discharge from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 15, 2004. The claimant participated personally. The employer participated by Andrea Bauer, Placement Consultant.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The October 3, 2003, separation from the employer was adjudicated in a March 12, 2004, reference 04, decision. However, this administrative law judge has reversed this decision, allowing benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Insomuch as the October 3, 2003, separation from the employer was adjudicated in the March 12, 2004, reference 04, decision, and has been reversed to allow benefits.

DECISION:

The representative's March 15, 2004 decision (reference 01) is reversed. The October 3, 2003, separation at issue has been previously adjudicated, but reversed on appeal number 04A-UI-03214-S2T.

bas/b/b