

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

HAROLD J RUGGLES
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FAWN ENGINEERING CORP
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Appeal Number: 05A-UI-03539-DW
OC: 03/13/05 R: 02
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 - Discharge

STATEMENT OF THE CASE:

Harold J. Ruggles (claimant) appealed a representative's April 1, 2005 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Fawn Engineering Corporation (employer) would not be charged because the claimant had been discharged for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, an in-person hearing was held in Des Moines on April 27, 2005. The employer did not participate in the hearing. The claimant appeared for the hearing with his attorney, Joseph Walsh. Craig Martin and Phil Clark appeared with the claimant as potential witnesses. During the hearing, Claimant's Exhibit A (copy of Plant Rules and Regulations) was offered and admitted as evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in March 1973. Fawn Manufacturing, Inc. took over the business in 2004. The claimant earned more than ten times his weekly benefit amount from Fawn Manufacturing, Inc. The claimant only stopped working for the employer because Fawn Manufacturing, Inc. took over the business.

REASONING AND CONCLUSIONS OF LAW:

Since the claimant earned more than ten times his weekly benefit amount from Fawn Manufacturing, Inc., the claimant is not disqualified from receiving benefits if his employment separation with the employer was for disqualifying reasons.

It is not known if Fawn Manufacturing, Inc. acquired the employer's unemployment insurance account. If the employer transferred its account to Fawn Manufacturing, Inc. the decision in this matter was addressed in the decision for appeal 05A-UI-03538-DW.

DECISION:

The representative's April 1, 2005 decision (reference 02) is reversed. If the employer transferred its account to Fawn Manufacturing, Inc. based on the decision for appeal 05A-UI-03538-DW, the claimant is qualified to receive unemployment insurance benefits as of March 13, 2005. Even if the reasons for the claimant's separation from the employer were for disqualifying reasons, the claimant has requalified based on the wages he earned from Fawn Manufacturing, Inc.

dlw/sc