

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KUT O METHO**  
Claimant

**APPEAL NO. 06A-UI-11881-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 11/12/06 R: 01  
Claimant: Respondent (2)**

Section 96.5-2(a) - Discharge for Misconduct

**STATEMENT OF THE CASE:**

Tyson Fresh Meats, Inc., filed a timely appeal from an unemployment insurance decision dated December 1, 2006, reference 01, which allowed benefits to Kut O. Method. After reviewing all matters of record and agency decision records, the administrative law judge concludes that an evidentiary hearing is not needed at this time.

**ISSUE:**

Was the claimant discharged for misconduct in connection with his employment?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The decision from which Tyson Fresh Meats, Inc., has appealed was issued December 1, 2006. It was amended by a subsequent fact-finding decision on December 6, 2006. The latter decision disqualified the claimant for benefits upon a finding that he had been discharged for fighting on the job. As of the date of this decision, the Appeals Bureau has not received an appeal from the claimant from that decision.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes from agency decision records that the relief requested by the employer has already been granted through the December 6, 2006, fact-finding decision. If the claimant files a timely appeal from the December 6 decision, a hearing on the merits will be held.

**DECISION:**

The unemployment insurance decision dated December 1, 2006, reference 01, is reversed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

kjw/css