

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENIESHA D KINNEY
Claimant

APPEAL NO. 08O-UI-07055-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELECTRONIC DATA SYSTEMS CORP
Employer

OC: 05/18/08 R: 02
Claimant: Respondent (2)

Section 96.5-2-a – Discharge for Misconduct
Section 96.3-7 – Overpayment

STATEMENT OF THE CASE:

Electronic Data Systems (employer) appealed a representative's June 10, 2008 decision (reference 01) that concluded Keniesha Kinney (claimant) was discharged and there was no evidence of willful or deliberate misconduct. A hearing was held on August 19, 2008, following due notice pursuant to Remand Order of the Employment Appeal Board dated July 31, 2008. Hearing notices were mailed to the parties' last-known addresses of record. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer was represented by Patton Bennett, hearings representative, and participated by Todd Hamilton, call center supervisor.

ISSUE:

The issue is whether the claimant was discharged for misconduct.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The Findings of Fact set forth in the decision in appeal 08A-UI-05709-SWT 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 08A-UI-05709-SWT are adopted and incorporated herein as if set forth at length.

DECISION:

The representative's June 10, 2008 decision (reference 01) is reversed. The claimant is not eligible to receive unemployment insurance benefits, because the claimant was discharged from work for misconduct. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible. The claimant is overpaid benefits in the amount of \$679.00. This is the same amount as was addressed in 08A-UI-05709-SWT

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw