

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EMILY L BRUEGGEMAN
Claimant

APPEAL NO. 09O-UI-07533-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ENT CLINIC OF IOWA
Employer

OC: 04/20/08
Claimant: Respondent (2-R)

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

STATEMENT OF THE CASE:

ENT Clinic of Iowa (employer) appealed a representative's February 24, 2009 decision (reference 07) that concluded Emily Brueggeman (claimant) was discharged and there was no evidence of willful or deliberate misconduct. A hearing was held on June 9, 2009, following due notice pursuant to Remand Order of the Employment Appeal Board dated May 19, 2009. The claimant participated personally. The employer was represented by Fred Dorr, Attorney at Law, and participated by Kay Spear, Practice Manager; Michelle Posey, Front Office Supervisor; and Joy Hesse, Human Resources Director. The claimant offered and Exhibit One through Eleven was received into evidence. The employer offered and Exhibit A through R was received into evidence.

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 09A-UI-03477-A 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 09A-UI-03477-A are adopted and incorporated herein as if set forth at length.

DECISION:

The representative's February 24, 2009 decision (reference 07) 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 issue of the overpayment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs