

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA AMOS
Claimant

APPEAL NO: 11O-UI-10010-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 03-13-11
Claimant: Respondent (2R)

Section 96.5-2-a – Discharge/Misconduct
Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated April 6, 2011, reference 01, which allowed benefits to the claimant. Administrative Law Judge Lynette Donner conducted an initial hearing on this matter in appeal 11A-UI-04924-DT in which benefits were denied. The claimant appealed the decision indicating she did not receive notice of the hearing and that was why she did not participate. The Employment Appeal Board remanded for a new hearing in an order dated July 28, 2011. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 22, 2011 and continued December 19, 2011. The claimant participated in the hearing with former CNA Julie Garton. Kath Marker, DON; Chris Ann Vander Pool, RN; Kim Dhabolt, Assistant DON; and David Williams, Employer Representative, participated in the hearing on behalf of the employer. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant was discharged for disqualifying job misconduct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The Findings of Fact set forth in the decision in appeal 11A-UI-04924-DT 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 11A-UI-04924-DT are adopted and incorporated herein as if set forth at length.

DECISION:

The unemployment insurance decision dated April 6, 2011, reference 01, is reversed. The employer discharged the claimant for disqualifying reasons. The claimant is disqualified from receiving unemployment insurance benefits as of March 16, 2011. This disqualification continues until the claimant has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. This matter is remanded to the Claims Section for investigation and determination of the overpayment issue.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css