

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

BONNIE K STOHR
1717 W 7TH ST
WATERLOO IA 50702

CEDAR FALLS LUTHERAN HOME FOR
THE AGED
7511 UNIVERSITY AVE
CEDAR FALLS IA 50613

JOHN WOOD
ATTORNEY AT LAW
COURT SQUARE BLDG #300
620 LAFAYETTE ST
WATERLOO IA 50704

Appeal Number: 04O-UI-01348-CT
OC: 08/24/03 R: 03
Claimant: Appellant (1)

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 for Misconduct

STATEMENT OF THE CASE:

Bonnie Stohr filed an appeal from a representative's decision dated October 10, 2003, reference 01, which denied benefits based on her separation from Cedar Falls Lutheran Home for the Aged. Pursuant to the appeal, a hearing was held on November 24, 2003. The decision of the administrative law judge, dated November 26, 2003, affirmed the disqualification. Ms. Stohr filed a further appeal with the Employment Appeal Board which, on February 5, 2004, remanded the matter for a new hearing because the tape of the prior hearing could not be fully transcribed.

Pursuant to the Employment Appeal Board's remand, due notice was issued scheduling the matter for a telephone hearing to be held on March 26, 2004. Ms. Stohr did not respond to the notice of hearing. The employer did respond. The reason for the remand was to reconstruct the hearing record because of a faulty tape from the prior hearing. The employer's testimony from the prior hearing is substantially intact. Given this factor and Ms. Stohr's failure to respond to the hearing notice, the administrative law judge found it unnecessary to have the employer repeat its testimony from the prior hearing. Therefore, no hearing was held.

FINDINGS OF FACT:

The "Findings of Fact" in Judge Susan Brightman's decision of November 26, 2003 are hereby incorporated as though fully set forth herein.

REASONING AND CONCLUSIONS OF LAW:

The "Reasoning and Conclusions of Law" from Judge Brightman's decision are hereby incorporated as though fully set forth herein.

DECISION:

The representative's decision dated October 10, 2003, reference 01, is hereby affirmed. Ms. Stohr was discharged for misconduct in connection with her employment with Cedar Falls Lutheran Home for the Aged. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/s