

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON P MULLEN
Claimant

APPEAL NO. 06O-UI-09375-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEST BUY STORES LP
Employer

OC: 05-07-06 R: 02
Claimant: Respondent (1)

Section 96.5-2-a – Discharge/Misconduct
871 IAC 26.8(5) – Decision on the Record

STATEMENT OF THE CASE:

This case was remanded by the Employment Appeal Board to take testimony because during the hearing conducted on July 19, 2006 the claimant's testimony was inaudible. After due notice was issued, a hearing was scheduled to be held on October 23, 2006. Neither the claimant nor the employer called in to provide telephone numbers where they could be reached for the hearing. The Employment Appeal Board did not vacate the decision issued in appeal number 06A-UI-05735-ET which was issued after the July 19, 2006 hearing.

ISSUE:

Should the decision issued on July 21, 2006 after the July 19, 2006 hearing be adopted?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: The findings of fact as set out in 06A-UI-05737-ET are adopted as if set out here completely.

REASONING AND CONCLUSIONS OF LAW:

The reasoning and conclusions of law as set out in 06A-UI-05737-ET are adopted as if set out here completely.

DECISION:

The decision as set out in 06A-UI-05737-ET is adopted as if set out here completely. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw