

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHNNIE E LAIRD

Claimant

APPEAL NO. 100-UI-16460-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OBERG FREIGHT CO

Employer

OC: 03/28/10

Claimant: Appellant (2)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Johnnie Laird filed an appeal from a representative's decision dated April 20, 2010, reference 01, which denied benefits based on his separation from Oberg Freight Company. After due notice was issued, a hearing was held by telephone on June 9, 2010. Mr. Laird participated personally. The employer participated by Mike Wilson, Safety Director, and was represented by Stuart Cochrane, Attorney at Law. Exhibits One through Nine were admitted on the employer's behalf.

The administrative law judge issued decision on August 2, 2010, reversing the disqualification and the employer appealed. On November 30, 2010, the Employment Appeal Board remanded the matter for the limited purpose of allowing Mr. Laird an opportunity to object to an employer Exhibit, the police accident report from the accident of March 9, 2010. Pursuant to the remand, a telephone hearing was held on January 20, 2011. Mr. Laird participated personally. The employer participated by Mike Wilson, Safety Director. The document in question was admitted as an employer exhibit.

ISSUE:

At issue in this matter is whether Mr. Laird was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The "Findings of Fact" as enumerated by the administrative law judge in the decision of August 2, 2010 are hereby incorporated as though fully set forth herein.

REASONING AND CONCLUSIONS OF LAW:

The "Reasoning and Conclusions of Law" as outlined in the August 2, 2010 administrative law judge decision are hereby incorporated as through fully set forth herein, except to add the following: The police report admitted during the hearing of January 20, 2011, cites the fact that the accident occurred on a dark roadway that was not lighted and that weather conditions were a major contributing circumstance in the accident of March 9, 2010.

DECISION:

The representative's decision dated April 20, 2010, reference 01, is hereby reversed. Mr. Laird was discharged by Oberg Freight Company but disqualifying misconduct has not been established. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs