

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

ANGELA K REID  
267 S 14<sup>TH</sup> ST  
CLINTON IA 52732

CHILD ABUSE COUNCIL  
525 – 16<sup>TH</sup> ST  
MOLINE IL 61265

Appeal Number: 04A-UI-02270-S2T  
OC: 11/16/03 R: 04  
Claimant: Respondent (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, 4<sup>th</sup> 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-b & c – Gross Misconduct

STATEMENT OF THE CASE:

Child Abuse Council (employer) appealed a representative's March 1, 2004 decision (reference 03) that concluded Angela Reid (claimant) was not involved in gross misconduct in connection with her employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 24, 2004. The claimant participated personally. The employer participated by Sue Swisher, Executive Director. Exhibit D-1 was admitted into evidence.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was discharged from employment. The claimant was charged with an indictable offense. The claimant has not signed a statement indicating she was involved in an indictable offense. Nor has she been convicted of an indictable offense.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was discharged for gross misconduct. For the following reasons the administrative law judge concludes she was not.

Iowa Code Section 96.5-2-b provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

b. If gross misconduct is established, the department shall cancel the individual's wage credits earned, prior to the date of discharge, from all employers.

In order for gross misconduct to apply the claimant would have to have been discharged from work for an indictable offense. The claimant would have to either be convicted of the crime or sign a statement admitting she committed the act. In this case the claimant has done neither. The claimant's actions do not meet the definition of gross misconduct under the statute.

DECISION:

The decision of the representative dated March 1, 2004 (reference 03) is affirmed. The claimant's actions do not meet the definition of gross misconduct under the statute. The claimant is eligible to receive unemployment insurance benefits.

bas/b