

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUBEN JIMENEZ

Claimant

APPEAL NO. 12O-UI-08966-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY

Employer

OC: 02/05/12

Claimant: Respondent (2-R)

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The employer, Swift, filed an appeal from a decision dated March 14, 2012, reference 01. The decision allowed benefits to the claimant, Ruben Jimenez. After due notice was issued, a hearing was held by telephone conference call on August 23, 2012.

A previous hearing was held on this matter on April 9, 2012, in Appeal Number 12A-UI-02995-S2T, and a decision issued on April 10, 2012. The matter was remanded to the Appeals Section July 26, 2012, by the Employment Appeal Board.

The notice of the hearing was mailed on August 6, 2012. At 9:40 a.m., approximately 90 minutes before the scheduled hearing time of 11:00 a.m. the claimant contacted the Appeals Section to ask for a postponement because he was working that day. The request was denied.

The employer participated by Human Resources Manager Aureliano Diaz and Javier Sanchez.

ISSUE:

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

FINDINGS OF FACT:

The Findings of Fact from Appeal 12A-UI-02995-S2T are adopted in this decision as though set out here in full.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law from Appeal 12A-UI-02995-S2T are adopted in this decision as though set out here in full.

DECISION:

The representative's decision of March 14, 2012, reference 01, is reversed. Ruben Jimenez is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible. The issue of whether the claimant must repay the unemployment benefits is remanded to UIS division for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw