

**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**

**DORIS D BAILEY
1928 FRANKLIN AVE
DES MOINES IA 50314**

**IOWA CUB CLUB OF DES MOINES
350 SW 1ST
DES MOINES IA 50309**

**TERESA JONES
ATTORNEY AT LAW
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**Appeal Number: 06A-UI-02459-A
OC: 02/12/06 R: 02
Claimant: Appellant (2)**

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:

Doris D. Bailey filed a timely appeal from an unemployment insurance decision dated February 24, 2006, reference 01, which disqualified her for benefits following her separation from employment with Iowa Cub Club of Des Moines. After due notice was issued, a hearing was held on March 23, 2006, with Ms. Bailey participating and being represented by Teresa Jones of Iowa Legal Aid. Robert Thormeier and Peter Kiger participated for the employer. This matter is considered on a consolidated record with 06A-UI-03083-A.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Doris D. Bailey was employed by Iowa Cub Club of Des Moines as a cook until Service America Corporation, doing business as Center Plate, contracted with Iowa Cub Club to provide food services. At that time Ms. Bailey was transferred to the payroll of Service America Corporation. She continued as an employee of that organization until February 10, 2006. The unemployment insurance consequences of that separation from employment will be discussed in the decision to the companion case.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Bailey's separation from employment with Iowa Cub Club of Des Moines was a disqualifying event. It was not. Separations are disqualifying events if, and only if, they are quits without good cause attributable to the employer or discharges for misconduct. See Iowa Code section 96.5-1 and section 96.5-2-a, respectively. A transfer from one payroll to another is not a disqualifying event.

DECISION:

The unemployment insurance decision dated February 24, 2006, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

cs/s