

**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**

**ADAM D SCHMIDTKE
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SHELL ROCK IA 50670**

**TARGET – DIVISION OF DAYTON
HUDSON CORPORATION
c/o FRICK UC EXPRESS
PO BOX 66749
ST LOUIS MO 63166-6749**

**Appeal Number: 05A-UI-02177-S2T
OC: 12/26/04 R: 03
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, 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 – Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

Target (employer) appealed a representative's February 2, 2005 decision (reference 03) that held the separation on September 19, 2003, of Adam Schmidtke (claimant) from his employment had been previously adjudicated. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 17, 2005. The claimant participated personally. The employer participated by Eliz Guyer, Human Resources Representative, and Amy Mosley, Human Resources Technician.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The September 19, 2003, separation from the employer was adjudicated in a November 17, 2003, reference 02, decision issued under a 2003, claim year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a 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:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Insomuch as the September 19, 2003, separation from the employer was adjudicated in the November 17, 2003, reference 02, decision issued under the original claim date of October 19, 2003, the administrative law judge does not have jurisdiction to address that issue.

DECISION:

The representative's February 2, 2005 decision (reference 03) is affirmed. The September 19, 2003, separation at issue has been previously adjudicated.

bas/sc