

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELSEY R KRAMPER
Claimant

APPEAL NO: 12A-UI-03841-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERISTAR CASINO CO BLUFFS INC
Employer

OC: 02/05/12
Claimant: Respondent (2)

871 IAC 23.43(9)a – Iowa Employer Liability When Iowa is Not the Payable State
Iowa Code § 96.7.2(a)2 – Employer Relieved from Charges

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's April 3, 2012 determination (reference 01) that held the employer's account subject to charge because the employer had not provided sufficient information to relieve its account from charge. The claimant did not respond to the hearing notice or participate in the hearing. Michelle Hawkins, a TALX representative, appeared on the employer's behalf. Emily Jones, Ashley Cunningham, and Todd Sharp appeared on the employer's behalf. Based on the information contained in the administrative record and the law, the administrative law judge finds the employer's account is not subject to charge.

ISSUE:

Is the employer's account subject to charge?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of February 5, 2012. Nebraska is the liable state on this claim. Nebraska held an appeal hearing with the claimant and employer present on April 17, 2012. Based on evidence both parties presented during the hearing, a Nebraska administrative law judge issued an April 23, 2012 decision that held the claimant was not qualified to receive benefits because the employer discharged him for work-connected misconduct.

REASONING AND CONCLUSIONS OF LAW:

An employer's account will not be charged if a claimant was discharged for reasons constituting work-connected misconduct or quit without good cause attributable to the employer. Iowa Code § 96.7.2(a)2.

Based on a Nebraska administrative law judge's April 23, 2012 decision, the facts in that decision establish that the employer discharged the claimant for reasons constituting work-connected misconduct under Iowa law. Iowa Code § 96.5(2)a, 871 IAC 23.43(9). Therefore, the employer's account will not be charged.

DECISION:

The representative's April 3, 2012 determination (reference 01) is reversed. The employer discharged the claimant for reasons constituting work-connected misconduct. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs