

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTONIO GARCIA-VALDERRA
Claimant

APPEAL NO. 06O-UI-11608-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

OC: 09-24-06 R: 03
Claimant: Respondent (2)

Section 96.5-2-a – Discharge for Misconduct
Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 19, 2006, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was scheduled by telephone conference call before Administrative Law Judge Julie Elder on December 19, 2006. The claimant participated in the hearing with Interpreter Ike Rocha. Erica Waldvogel, Human Resources Associate, participated in the hearing on behalf of the employer. Because the Employment Appeal Board did not vacate the original appeal decision number 06A-UI-10598-NT, that hearing record is adopted and incorporated herein.

ISSUE:

The issue is whether the claimant was separated for disqualifying job misconduct.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the November 16, 2006, administrative law judge's findings of fact in appeal number 06A-UI-10598-NT is hereby adopted and incorporated herein as the findings of fact for appeal number 06O-UI-11608-ET.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the November 16, 2006, administrative law judge's reasoning and conclusions of law in appeal number 06A-UI-10598-NT is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal number 06O-UI-11608-ET.

DECISION:

Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the November 16, 2006, administrative law judge's decision in appeal number 06A-UI-10598-NT is hereby adopted and incorporated herein as the decision for appeal number 06O-UI-11608-ET. Therefore, benefits are denied until the claimant has worked in and been paid wages in insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The claimant is overpaid benefits in the amount of \$2,653.00.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css