

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICKY A BAKER**  
Claimant

**APPEAL NO. 08O-UI-00581-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**H & H TRAILER COMPANY**  
Employer

**OC: 11/04/07 R: 01  
Claimant: Respondent (2)**

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

**STATEMENT OF THE CASE:**

H & H Trailer Company (employer) appealed a representative's November 28, 2007 decision (reference 01) that concluded Ricky Baker (claimant) was discharged and there was no evidence of willful or deliberate misconduct. A hearing was held on January 31, 2008, following due notice pursuant to Remand Order of the Employment Appeal Board dated January 11, 2008. The claimant was represented by Seth Baldwin, Attorney at Law, and participated personally. The employer participated by Mike Kruse, Plant Manager.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: The Findings of Fact set forth in the decision in appeal 07A-UI-11085-HT are adopted and incorporated herein as if set forth at length.

**REASONING AND CONCLUSIONS OF LAW:**

The Reasoning and Conclusions of Law of the administrative law judge in appeal 07A-UI-11085-HT are adopted and incorporated herein as if set forth at length.

**DECISION:**

The representative's November 28, 2007 decision (reference 01) is reversed. The claimant is not eligible to receive unemployment insurance benefits because the claimant was discharged from work for misconduct. Benefits are withheld until the claimant has worked in and has been

paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible. The claimant is overpaid benefits in the amount of \$777.00.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/css