

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTIAN A ADAME
Claimant

APPEAL NO: 130-UI-04564-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 01/13/13
Claimant: Respondent (2/R)

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's February 7, 2013 determination (reference 01) that held the claimant qualified and the employer's account subject to charge because the claimant was discharged for nondisqualifying reasons. A hearing was held before an administrative law judge on March 12, 2013. The claimant did not participate at the hearing. Mike Repp, the staffing coordinator, appeared on the employer's behalf. Based on the evidence presented during the hearing, the administrative law judge reversed the February 7 determination and concluded the claimant was not qualified to receive benefits as of January 13, 2013. See decision for appeal 13A-UI-01713-ST.

The claimant appealed the administrative law judge's decision to the Employment Appeal Board. Since the claimant asserted he had not received the hearing notice, the Employment Appeal Board remanded this matter to the Appeals Section for a new hearing.

Hearing notices were mailed to the parties on April 25, 2013, to inform them a hearing was scheduled on May 17, 2013. The claimant did not respond to the hearing notice or participate in the hearing. Mike Repp appeared again on the employer's behalf.

Based on the evidence, the employer's arguments of the parties presented at the March 12, 2013 hearing, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits as of January 13, 2013.

ISSUE:

Did the employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

All the findings of fact, reasoning and conclusions of law and decision from the decision for appeal 13A-UI-01713-ST are incorporated in this decision in their entirety.

See decision for appeal 13A-UI-01713-ST for the Findings of Fact.

REASONING AND CONCLUSIONS OF LAW:

See decision for appeal 13A-UI-01713-ST for the Reasoning and Conclusions of Law.

DECISION:

The representative's February 7, 2013 determination (reference 01) is reversed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of January 13, 2013. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment of benefits he may have received since January 13, 2013, is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs