

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN M KNAPPER
Claimant

APPEAL NO. 130-UI-10163-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GENESIS HEALTH SYSTEM
Employer

OC: 05/05/13
Claimant: Respondent (2/R)

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

STATEMENT OF THE CASE:

Genesis Health System (employer) appealed a representative's June 3, 2013, decision (reference 01) that concluded Dawn Knapper (claimant) was discharged and there was no evidence of willful or deliberate misconduct. Administrative Law Judge Lewis issued a decision on July 24, 2013, reversing the representative's decision. A decision of remand was issued by the Employment Appeal Board on September 5, 2013. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 9, 2013. The claimant participated personally. The employer participated by Megan Clark, Human Resources Coordinator, and Chelsey Hawthorne, Unit Manager. The employer offered and Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The Findings of Fact of the administrative law judge in appeal 13A-UI-06995-LT are adopted and incorporated herein as if set forth at length.

The claimant filed for unemployment insurance benefits with an effective date of May 5, 2013. She received \$2,470.00 in benefits after the separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 13A-UI-06995-LT are adopted and incorporated herein as if set forth at length.

DECISION:

The representative's June 3, 2013, 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 issue of the overpayment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css