

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

PATRICIA LOVE  
252 JACKSON ST  
WATERLOO IA 50703

APAC CUSTOMER SERVICES INC  
c/o FRICK UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 06O-UI-01892-BT  
OC: 02/13/05 R: 03  
Claimant: Respondent (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96 5-2-a - Discharge for Misconduct  
Section 96.3-7 - Overpayment

STATEMENT OF THE CASE:

APAC Customer Services of Iowa (employer) appealed an unemployment insurance decision dated September 23, 2005, reference 04, which held that Patricia Love (claimant) was eligible for unemployment insurance benefits. Administrative Law Judge Coleman conducted an initial hearing on this matter in appeal 05A-UI-10137-CT in which benefits were denied. The claimant appealed the decision indicating she did not participate due to lack of notice. Although the appeal was late, the Employment Appeal Board found the appeal to be timely because the claimant reported she did not get notice of the Appeal Decision either. The Employment Appeal Board remanded for a new hearing in an order dated February 9, 2006. After hearing notices

were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 22, 2006. The claimant participated in the hearing. The employer participated through Shana Reuter, Administrator and Rikki Shaver, Team Leader.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The Findings of Fact set forth in the decision in appeal 05A-UI-10137-CT 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 05A-UI-10137-CT are adopted and incorporated herein as if set forth at length.

**DECISION:**

The unemployment insurance decision dated September 23, 2005, reference 04, is reversed. The claimant is not eligible to receive unemployment insurance benefits because she was discharged from work for misconduct. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant is overpaid benefits in the amount of \$912.00.

sdb/tjc