

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

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Appeal Number: 05A-UI-04992-JTT
OC: 04/10/05 R: 04
Claimant: Appellant (2R)

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, 4th 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

STATEMENT OF THE CASE:

The Agency representative's decision at issue in this Appeal Number is the decision dated April 28, 2005, reference 02. The reference 02 decision is duplicative of the Agency representative's April 28, 2005, reference 01, decision at issue in Appeal Number 05A-UI-04991-JTT. The administrative law judge hereby takes official notice of the decision in Appeal Number 05A-UI-04991-JTT and adopts Statement of the Case therein.

FINDINGS OF FACT:

The administrative law judge hereby adopts the Findings of Facts set forth in Appeal Number 05A-UI-04991-JTT.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge hereby adopts the Reasoning and Conclusions of Law set forth in Appeal Number 05A-UI-04991-JTT.

DECISION:

The Agency representative's decision dated April 28, 2005, reference 02, is reversed. The claimant was discharged for no disqualifying reason. The claimant is eligible for benefits, provided he is otherwise eligible. The employer may be charged for benefits paid to the claimant. The matter is remanded to the fact finder for a determination of whether the claimant had been able and available to work since establishing his claim for benefits.

jt/pjs