

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DELIA MALDONADO
Claimant

APPEAL NO. 08O-UI-05441-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ELECTRONIC DATA
SYSTEMS CORPORATION**
Employer

**OC: 03-30-08 R: 02
Claimant: Respondent (2)**

Section 96.5-2-a – Discharge/Misconduct
Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated April 22, 2008, reference 02, which allowed benefits to the claimant. Administrative Law Judge Bonny Hendricksmeier conducted an initial hearing on this matter in appeal 08A-UI-04290-HT in which benefits were denied. The claimant appealed the decision indicating she did not participate due to her inability to read and understand English. The Employment Appeal Board remanded for a new hearing in an order dated June 6, 2008. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 24, 2008, before Administrative Law Judge Julie Elder. The claimant participated in the hearing with Interpreter Ike Rocha. Teresa Loffredo, Supervisor; Gregg Spears, Operations Manager; and Karen Brewin, Employer Representative, participated in the hearing on behalf of the employer. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant was discharged for misconduct.

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 08A-UI-04290-HT are adopted and incorporated herein as if set forth at length with the exception of the date of March 13 in paragraph one, line four, being changed to February 13, 2008; adding "300" expired packages..." in paragraph three, line five and deleting paragraph five in its entirety.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 08A-UI-04290-HT are adopted and incorporated herein as if set forth at length with the exception of the deletion of the sections addressing whether the record should be reopened.

DECISION:

The unemployment insurance decision dated April 22, 2008, reference 02, is reversed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as 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 \$905.00.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css