

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICK L KARNES
Claimant

APPEAL NO. 120-UI-08144-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GIT-N-GO CONVENIENCE STORES INC
Employer

OC: 02/05/12
Claimant: Respondent (2/R)

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Git-N-Go Convenience Stores (employer) appealed a representative's March 28, 2012 decision (reference 01) that concluded Patrick Karnes (claimant) was discharged and there was no evidence of willful or deliberate misconduct. Administrative Law Judge Elder issued a decision on May 2, 2012, reversing the representative's decision. A decision of remand was issued by the Employment Appeal Board on July 6, 2012. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 31, 2012. The claimant was represented by Roger Karnes, the claimant's brother, and participated personally. The employer participated by Melissa Shin, Supervisor, and John Judge, Supervisor. The employer offered and Exhibits One through Seven were received into evidence.

ISSUE:

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

FINDINGS OF FACT:

The Finding of Fact of the administrative law judge in appeal 12A-UI-03378-E 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 12A-UI-03378-E are adopted and incorporated herein as if set forth at length.

DECISION:

The representative's March 28, 2012 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/pjs