

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS J SMOCK
Claimant

APPEAL NO. 07O-UI-01954-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION
Employer

**OC: 10/01/06 R: 04
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Target Corporation filed an appeal from a representative's decision dated November 9, 2006, reference 02, which held that no disqualification would be imposed regarding Thomas Smock's separation from employment. After due notice was issued, a hearing was held by telephone on December 11, 2006. The December 18, 2006 decision of the administrative law judge reversed the allowance of benefits and assessed an overpayment. Mr. Smock filed a further appeal to the Employment Appeal Board, which, on February 20, 2007, remanded the matter for a new hearing because the recording of the prior hearing was not available.

Pursuant to the remand, due notice was issued scheduling the matter for a telephone hearing to be held on March 22, 2007. Mr. Smock did not respond to the notice of hearing. On December 11, 2006, a hearing was held concerning the separation of Stacey Smock from Target Corporation. See Appeal 06A-UI-11223-NT. Both Smocks were separated from Target Corporation at the same time and for the same reason. The employer opted to have the testimony given in the hearing concerning Stacey Smock stand as the record of hearing for Thomas Smock in lieu of conducting a new hearing on March 22, 2007. The Transmittal of Testimony of the hearing concerning Stacey Smock was marked as Division Exhibit I.

ISSUE:

At issue in this matter is whether Mr. Smock was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The "Findings of Fact" as set forth by Administrative Law Judge Terence Nice in his decision of December 18, 2006 are hereby incorporated as though fully set forth herein.

REASONING AND CONCLUSIONS OF LAW:

The "Reasoning and Conclusions of Law" as set forth by Judge Nice are hereby incorporated as though fully set forth herein.

DECISION:

The representative's decision dated November 9, 2006, reference 02, is hereby reversed. Mr. Smock voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Smock has been overpaid \$522.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw