

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERRON HAYNES

Claimant

APPEAL NO. 10R-UI-11809-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC

Employer

OC: 05-31-09

Claimant: Respondent (2-R)

Iowa Code § 96.5(2)a – Discharge/Misconduct
Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer filed a timely appeal from the July 1, 2009, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on July 27, 2009 by Administrative Law Judge Randy L. Stephenson who issued a decision (09A-UI-09852-ST) on July 28, 2009 denying benefits. The claimant did not participate in Judge Stephenson's hearing. The employer did participate through Deborah Beighley, Owner. The claimant appealed to the Employment Appeal Board (EAB) alleging that he did not have notice of the hearing. The EAB remanded for another hearing. After due notice was again issued, a hearing was held on September 17, 2009 by Administrative Law Judge Marlon Mormann, who issued a decision (09O-UI-12576-MT) on September 18, 2009 denying benefits. The claimant did not participate in Judge Mormann's hearing. The employer did participate through Deborah Beighley, Owner. The claimant appealed to the Employment Appeal Board (EAB) who remand for another hearing. After due notice was issued another hearing was scheduled for October 7, 2010. The claimant called in and provided a number where he could be reached for the hearing, but did not answer the telephone when the administrative law judge called him to begin the hearing. Neither of the decisions in 09A-UI-09852-ST or 09O-UI-12576-MT were vacated by the EAB.

ISSUE:

Was the claimant discharged due to job-related misconduct and has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The findings of fact set out in 09A-UI-09852-ST and 09O-UI-12576-MT are adopted and included as if set out herein.

REASONING AND CONCLUSIONS OF LAW:

The reasoning and conclusions of law set out in 09A-UI-09852-ST and 09O-UI-12576-MT are adopted and included as if set out herein.

DECISION:

The July 1, 2009, reference 01, representative's decision is reversed. The claimant was discharged due to job related misconduct. Benefits are within until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The matter is remanded for a determination as to overpayment.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw