

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY J EWINGER
Claimant

APPEAL NO. 10A-UI-07800-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JBM INC
Employer

OC: 04/04/10
Claimant: Respondent (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated May 24, 2010, reference 01, that concluded a decision had been made on the claimant's separation from employment on a prior claim and that decision remains in effect. A telephone hearing was held on July 13, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing with his attorney, Toby Gordon. John Glunz participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant had filed a claim for unemployment insurance benefits effective April 5, 2009. Afterward, he took a job with the employer from June 11 to July 8, 2009. The employer protested the claim and a decision was issued on May 21, 2010. That decision concluded the claimant was qualified based on the July 8, 2009, discharge from employment. That decision was affirmed in the decision on appeal 10A-UI-07705-SWT.

The claimant filed a claim for unemployment insurance benefits effective April 4, 2010, for a second benefit year. The employer protested this claim based on the same separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law in Iowa Code § 96.5-2-a.

The decision made on appeal 10A-UI-07705-SWT concluded the claimant was qualified to receive unemployment insurance benefits. That decision remains in effect for the second benefit year.

The employer's account may be chargeable for its proportional share of benefits paid to the claimant during the benefit year starting April 4, 2010.

DECISION:

The unemployment insurance decision dated May 24, 2010, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

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