

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT LEWIS
Claimant

APPEAL NO: 13A-UI-02878-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

A-LINE IRON & METALS INC
Employer

OC: 02/28/13
Claimant: Respondent (1)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The employer appealed a department decision dated February 28, 2013, reference 01, that held the claimant was not discharged for misconduct on January 3, 2013, and benefits are allowed. A telephone hearing was held on April 8, 2013. The claimant and employer did not participate. Official notice was taken of employer appeal documents.

ISSUE:

Whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The claimant began employment on July 27, 2011, and last worked for the employer as a full-time mechanic on January 3, 2013. The employer discharged claimant for being on the work premises after working hours under questionable circumstance.

The employer and claimant were not available when called at the phone numbers provided.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The administrative law judge concludes the employer has failed to establish that the claimant was discharged for misconduct in connection with employment on January 3, 2013. Although

the employer offered appeal documents with information about why it discharged claimant, it failed to participate and establish job disqualifying misconduct.

DECISION:

The department decision dated February 28, 2013, reference 01, is affirmed. The claimant was not discharged for misconduct on January 3, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll