

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATIE C DRULINER

Claimant

JACOBSON STAFFING COMPANY LC

Employer

APPEAL NO: 10A-UI-09743-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/06/10

Claimant: Respondent (1)

Section 96.5-2-a – Discharge
871 IAC 24.32(7) – Excessive Unexcused Absenteeism

STATEMENT OF THE CASE:

The employer appealed a department decision dated June 30, 2010, reference 01, that held the claimant was not discharged for misconduct on June 8, 2010, and benefits are allowed. A telephone hearing was scheduled for August 24, 2010. The claimant and employer did not participate.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant began employment as a full-time temporary employee on May 18, 2010, and last worked for the employer on June 8. The employer discharged the claimant for her absences from work on three occasions.

The claimant and employer failed to respond to the hearing notice.

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.

871 IAC 24.32(7) provides:

(7) Excessive unexcused absenteeism. Excessive unexcused absenteeism is an intentional disregard of the duty owed by the claimant to the employer and shall be considered misconduct except for illness or other reasonable grounds for which the employee was absent and that were properly reported to the employer.

The administrative law judge concludes the employer has failed to establish that the claimant was discharged for excessive unexcused absences on June 8, 2010.

The employer failed to participate in this matter and establish the claimant's absences were for non-excusable conduct.

DECISION:

The department decision dated June 30, 2010, reference 01, is affirmed. The claimant was not discharged for misconduct on June 8, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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