

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

JOSEPH J WEISS

Claimant

and

PER MAR SECURITY & RESEARCH CORP

Employer

HEARING NUMBER: 18BUI-01769

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Board adds the following analysis to the Reasoning and Conclusions of Law.

In instances where an employee is fired for a *single* unexcused absence the issue is somewhat different than with excessive absenteeism. See *Hiland v. EAB*, No. 12-2300 (Iowa App. 7/10/13). With a single absence misconduct can be shown based on things such as the nature of an employee's work, the effect of the employee's absence, dishonesty or falsification by the employee in regard to the unexcused absence, and whether the employee made any attempt to notify the employer of the absence. *Sallis v. Employment Appeal Bd*, 437 N.W.2d 895, 897 (Iowa 1989).

Here the Claimant was paid to be at work and secure the premises. This is the service the Employer provides. One critical feature of a security firm is that it be reliable. Unreliable, and unpredictable security is not secure. So the effect on the Employer is quite significant. The nature of the work is that it must be on site for the entire shift. Further the Claimant left without notice to the

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Employer. The only factor favoring the Claimant is that he did not lie to the Employer about why he left. That said, we do not think a snow storm gives a security guard an excuses to abandon his assignment.

We find the Claimant should be disqualified for misconduct on a single absence theory.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

RRA/fnv

DATED AND MAILED: _____