

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KARI L LANGFITT**  
Claimant

**APPEAL NO. 09A-UI-15214-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RCM SUBS INC**  
Employer

**Original Claim: 09/13/09  
Claimant: Respondent (1)**

Section 96.5-2-a – Discharge  
Section 17A.12(3) – Default

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated October 6, 2009, reference 01, that held the claimant was discharged for no misconduct on September 16, 2009, and that allowed benefits. A telephone hearing was scheduled for November 10, 2009. The claimant did participate. The 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 employer representative was not available at the phone number provided when called for the hearing. The claimant moved to default the employer for its failure to appear, and the motion was granted.

**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 claimant's motion to default, which was granted due to the failure of the employer to appear (be available when called for the hearing) for the

hearing, establishes that the claimant was not discharged for misconduct on September 16, 2009.

The employer appealed the department decision but failed to appear for the hearing to contest the discharge. The employer is defaulted pursuant to Iowa Code section 17A.12(3), and the department decision remains in force and effect.

**DECISION:**

The department decision dated October 6, 2009, reference 01, is affirmed. The claimant was not discharged for misconduct on September 16, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw