

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NIKOLAS T THOMPSON
Claimant

AUTOZONERS LLC
Employer

APPEAL NO. 12A-UI-02522-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/15/11
Claimant: Respondent (1)**

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

The employer appealed a department representative's decision dated March 6, 2012, reference 03, that held the claimant was not discharged for misconduct on November 29, 2011 and benefits are allowed. A hearing was scheduled for March 30, 2012. The claimant and employer did not participate.

ISSUE:

The issue is whether the claimant was discharged for misconduct.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds that: The claimant worked as a part-time sales person from March 4, 2011 to November 29. The employer discharged claimant for violation of its attendance policy.

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.

The administrative law judge concludes that the employer failed to establish misconduct in the discharge of the claimant on November 29, 2011. The employer failed to participate and offer evidence of job disqualifying misconduct.

DECISION:

The decision of the representative dated March 6, 2012 reference 03 is affirmed. The claimant was not discharged for misconduct in connection with employment on November 29, 2011. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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