

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARSAN L KLEIN**  
Claimant

**APPEAL NO. 07A-UI-03683-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TARGET CORPORATION**  
Employer

**OC: 03/18/07 R: 02  
Claimant: Appellant (2)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Marsan Klein filed an appeal from a representative's decision dated April 4, 2007, reference 01, which denied benefits based on her separation from Target Corporation. After due notice was issued, a hearing was held by telephone on April 25, 2007. Ms. Klein participated personally. The employer opted not to participate in the hearing.

**ISSUE:**

At issue in this matter is whether Ms. Klein was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Klein was employed by Target Corporation from September of 2004 until March 19, 2007. She was last employed full time as guest services team leader. She was discharged but not given a reason for the termination. She was simply told her services were no longer needed. Ms. Klein had received a warning on October 16, 2006. Thereafter, she met with management either weekly or bi-weekly. No additional problems were ever brought to her attention after October 16. Ms. Klein was at all times working to the best of her abilities. She did not know she was in jeopardy of losing her job.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). It is incumbent upon the employer to provide specific details concerning the reason for discharge as mere allegations of misconduct are not sufficient to result in disqualification. See 871 IAC 24.32(4). The employer has not presented evidence of any misconduct on Ms. Klein's part. She was not given a reason for her termination. Given the state of the evidence, the administrative law judge must conclude that the employer has failed to satisfy its burden of proof. Accordingly, benefits are allowed.

**DECISION:**

The representative's decision dated April 4, 2007, reference 01, is hereby reversed. Ms. Klein was discharged but misconduct has not been established. Benefits are allowed, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs