

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAFAEL MUNOZ
Claimant

APPEAL NO. 11A-UI-09961-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CELLCO PARTNERSHIP
Employer

**OC: 07/03/11
Claimant: Appellant (5)**

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

STATEMENT OF THE CASE:

Rafael Munoz filed a timely appeal from an unemployment insurance decision dated July 22, 2011, reference 01, that disqualified him for benefits upon a finding that he had voluntarily left employment without good cause attributable to the employer. After due notice was issued, a telephone hearing was held August 22, 2011 with Mr. Munoz participating. Exhibit A was admitted into evidence on his behalf.

ISSUE:

Was the claimant discharged for misconduct in connection with his employment?

FINDINGS OF FACT:

Rafael Munoz was employed by Cellco Partnership from July of 2009 until he was discharged on or about May 13, 2011. He last worked full time as a retail sales representative. Mr. Munoz was scheduled to work the week of May 8, 2011. He was absent for personal reasons without contacting his employer until he returned on May 13, 2011. He was not allowed to resume working at that time.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant was discharged for misconduct in connection with his employment.

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.

Excessive unexcused absenteeism is one form of misconduct. See 871 IAC 24.32(7). The evidence in the record establishes that the claimant was absent for four days for personal reasons and without contacting the employer. This is sufficient to establish excessive unexcused absenteeism. Benefits are withheld.

DECISION:

The unemployment insurance decision dated July 22, 2011, reference 01, is modified. The claimant did not voluntarily leave employment. He was discharged for misconduct in connection with his employment. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs