

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA K NELSON
Claimant

APPEAL NO: 10A-UI-09957-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOC SERVICES LLC
Employer

OC: 06/20/10
Claimant: Appellant (2)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 12, 2010, reference 01, that held she was discharged for misconduct on June 21, 2010, and benefits are denied. A telephone hearing was held on August 30, 2010. The claimant participated. The employer did not participate. Claimant Exhibits A, B & C was received as evidence.

ISSUE:

Whether claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant began employment on May 19, 2008, and last worked for the employer as a full-time Senior HR clerk on June 21, 2010. The claimant was terminated on June 21 for being rude to internal/external guests.

The 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 the employer has failed to establish claimant was discharged for misconduct in connection with employment on June 21, 2010. The employer did not participate in this matter to provide evidence of job disqualifying misconduct.

DECISION:

The department decision dated July 12, 2010, reference 01, is reversed. The claimant was not discharged for misconduct on June 21, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs