

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIZABETH A CHIHAK
Claimant

APPEAL NO. 10A-UI-09874-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JLL LLC
Employer

**OC: 05/30/10
Claimant: Appellant (5)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 30, 2010, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 30, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Taunda Thomas participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked as a housekeeping agent for the employer from November 2, 2009, to June 1, 2010. The claimant was informed and understood that under the employer's work rules, employees were required to notify a supervisor at least two hours before the start of their shift and find their own replacement if they were not able to work as scheduled.

The claimant was absent from scheduled work without any notice to a supervisor on May 29 and 30. She knew she had not been granted the time off but took the days off anyway.

When the claimant reported to work on June 1, 2010, the employer discharged the claimant for being absent without notice on May 29 and 30.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code section 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the

employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. Mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant's violation of a known work rule requiring notification of an absence was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated June 30, 2010, reference 01, is modified with no change in the outcome of this case. The claimant was discharged for work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs