

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RHONDA J BROWNFIELD

Claimant

APPEAL NO. 09A-UI-05051-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP

Employer

OC: 09/21/08

Claimant: Respondent (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Cargill Meat Solutions Corporation (Cargill) filed an appeal from a representative's decision dated March 23, 2009, reference 05, which held that no disqualification would be imposed regarding Rhonda Brownfield's separation from employment. After due notice was issued, a hearing was held by telephone on April 28, 2009. Ms. Brownfield participated personally. The employer participated by Alicia Alonzo, Human Resources Generalist.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Brownfield was employed by Cargill from December 9, 2008 until March 3, 2009 as full-time production worker. She was discharged due to unsatisfactory attendance during the 45-day probationary period.

Ms. Brownfield left work early on January 3 and January 14 due to illness. She was seen in health services before leaving on both occasions. She was absent February 2 and 3 and provided a doctor's statement to verify the need to be absent. She was absent on February 27 because she had her children had head lice. The final absence that caused the discharge was on March 2. Ms. Brownfield had already notified her supervisor that she might be late because of a medical appointment in Iowa City. She called after the start of her shift to report that she would be absent because the appointment took longer than anticipated. She was notified of her discharge on March 3, 2009. Attendance was the sole reason for the discharge.

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). An individual who was discharged because of attendance is disqualified from benefits if she was excessively absent on an unexcused basis. In order for an absence to be excused, it must be for reasonable cause and must be properly reported. 871 IAC 24.32(7). The administrative law judge is not bound by an employer's designation of an absence as unexcused.

All of Ms. Brownfield's absences are excused. They were all for reasonable cause (illness, medical appointment, head lice) and were all properly reported. Excused absences may not form the basis of a misconduct disqualification regardless of how excessive. Although the employer may have had good cause to discharge, conduct that might warrant a discharge will not necessarily support a disqualification from job insurance benefits. For the reasons cited herein, benefits are allowed.

DECISION:

The representative's decision dated March 23, 2009, reference 05, is hereby affirmed. Ms. Brownfield was discharged but disqualifying misconduct has not been established. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css