

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH GLEPLAY

Claimant

APPEAL NO: 13A-UI-11315-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CARGILL MEAT SOLUTIONS
CORPORATION**

Employer

OC: 09/08/13

Claimant: Appellant (2)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 26, 2013, reference 01, that held she was discharged for unexcused absenteeism and tardiness on September 5, 2013, and benefits are denied. A telephone hearing was held on October 31, 2013. The claimant participated. The employer did not participate.

ISSUE:

Whether claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant was hired on May 13, 2013, and last worked for the employer as full time production on September 5, 2013. The employer terminated claimant on September 5.

The employer failed to respond to the hearing notice by calling UI Appeals with the name(s) and phone number(s) to be called for the hearing. The department record system does not show any call from the employer requesting to participate (APLT).

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 employer failed to establish claimant was discharged for misconduct on September 5, 2013. The employer failed to participate in this hearing and present evidence of job disqualifying misconduct.

DECISION:

The department decision dated September 26, 2013, reference 01, is reversed. The claimant was not discharged for misconduct on September 5, 2013. Benefits are allowed, provided claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs