

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEGAN M MCBROOM

Claimant

APPEAL NO: 09A-UI-16569-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

OC: 10/04/09

Claimant: Respondent (1)

Section 96.5-2-a - Discharge

Section 17A.12(3) – Default

STATEMENT OF THE CASE:

The employer appealed a department decision dated October 23, 2009, reference 01, that held it discharged the claimant for no misconduct on September 16, 2009, and benefits are allowed. A telephone hearing was scheduled for December 10, 2009. The claimant did not participate. The employer did not participate.

ISSUE:

Whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The employer filed this appeal, but it failed to respond to the hearing notice and provide a telephone number to be contacted for the hearing. The employer is defaulted for its failure to appear.

The claimant was not available when called for the hearing.

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 is defaulted due to its failure to appear (respond to the hearing notice) for the hearing that establishes the claimant was not discharged for misconduct on September 16, 2009.

The employer appealed the department decision, but it failed to appear for the hearing to contest the discharge. The employer is defaulted pursuant to Iowa Code section 17A.12(3), and the department decision remains in force and effect.

DECISION:

The department decision dated October 23, 2009, reference 01, is affirmed. The claimant was not discharged for misconduct on September 16, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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