

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRYSTE M SOUTHWICK
Claimant

APPEAL NO. 13A-UI-03562-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

FLEXSTEEL INDUSTRIES INC
Employer

OC: 03/03/13
Claimant: Appellant (2)

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated March 22, 2013, reference 01, that held she was discharged for misconduct on March 5, 2013 and benefits are denied. A hearing was held on April 25, 2013. The claimant participated. The employer elected not to participate in person and it submitted a statement received as Employer Exhibit One.

ISSUE:

The issue is whether the claimant was discharged for misconduct.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds that: The claimant worked full time in credit accounts receivable from November 21, 2011 to March 5, 2013. The employer did not terminate claimant for misconduct on March 5 but her inability to work full-time scheduled hours. Claimant had been on short-term disability for some health issues and FMLA. The employer termination was in conjunction with the expiration of FMLA.

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 misconduct in the discharge of the claimant on March 5, 2013. The employer offered a written statement claimant was not discharged for misconduct.

DECISION:

The decision of the representative dated March 22, 2013, reference 01, is reversed. The claimant was not discharged for misconduct in connection with employment on March 5, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll