

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NAGI J AIAN
Claimant

APPEAL NO: 14A-UI-03109-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TPI IOWA LLC
Employer

OC: 02/09/14
Claimant: Appellant (2)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 17, 2014, reference 03, that held he was discharged for misconduct on February 13, 2014, and benefits are denied. A telephone hearing was held on April 14, 2014. The claimant, and witness Brown Teah, 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 October 21, 2012, and last worked for the employer as a full-time production on February 13, 2014. The employer terminated claimant for inappropriate behavior.

The employer designated witness was not available when called twice for the hearing at the phone number provided on the UI Appeals C2T control system.

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 February 13, 2014 for inappropriate behavior. The employer failed to participate in this hearing and offer evidence of job disqualifying misconduct.

DECISION:

The department decision dated March 17, 2014, reference 03, is reversed. The claimant was not discharged for misconduct on February 13, 2014. Benefits are allowed, provided claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs