

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL P HAUS
Claimant

APPEAL NO. 09A-UI-15589-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TASS ENTERPRISES INC
Employer

**Original Claim: 09/20/09
Claimant: Respondent (1)**

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The employer appealed a department decision dated October 6, 2009, reference 01 that held the claimant was not discharged for misconduct on August 1, 2009, and that allowed benefits. A telephone hearing was scheduled for November 18, 2009. The claimant and employer did not participate.

ISSUE:

The issue is 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 claimant worked for the employer from August 1, 2004 to August 1, 2009. The claimant was discharged from employment.

The employer representative had no witness available for the hearing. The claimant did not respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was discharged for misconduct in connection with employment.

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 that the employer has failed to establish the claimant was discharged from employment for an act of misconduct on August 1, 2009. The employer failed to participate in this hearing and offer evidence of job-disqualifying misconduct.

DECISION:

The department decision dated October 6, 2009, reference 01, is affirmed. The claimant was not discharged for misconduct on August 1, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw