

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDSEY M JOHANNINGSMEIER
Claimant

APPEAL NO: 09A-UI-16456-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 05/10/09
Claimant: Appellant (2)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 28, 2009, reference 02, that held she voluntarily quit without good cause on September 30, 2009, and claimant benefits are denied. A telephone hearing was held on December 8, 2009. The claimant participated. The employer elected not to participate in the hearing.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the claimant, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time certified nursing assistant from August 20, 2009 to October 6. An employer representative called the claimant and left a message that her services were no longer needed. When the claimant returned the employer call, she was told the termination was due to missing work.

Prior to the hearing, the employer representative advised that it would not participate.

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 that the claimant was not discharged from employment for misconduct on October 6, 2009.

The claimant did not quit employment, but was terminated by the employer. The employer failed to participate in this hearing and offer evidence of job disqualifying misconduct.

DECISION:

The department decision dated October 28, 2009, reference 02, is reversed. The claimant was not discharged for misconduct on October 6, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs