

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**BROOKE R HAYNES**

Claimant

**APPEAL NO. 14A-UI-11467-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INC OF DES MOINES**

Employer

**OC: 09/21/14**

**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated October 27, 2014, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on November 25, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked full time on an assignment at Vermeer Manufacturing from July 7 to approximately September 15, 2014. The week before September 15 the claimant had a doctor's appointment scheduled at the Veteran's Administrative facility in Iowa City. The claimant had informed her supervisor about the appointment and brought back a doctor's excuse but was still discharged. The claimant had one other absence that involved another medical appointment where she had notified the employer in advance about the appointment and also on the day of the appointment and returned to work with a doctor's excuse.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design.

Mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not misconduct within the meaning of the statute. 871 IAC 24.32(1).

The unemployment insurance rules provide: "Excessive unexcused absenteeism is an intentional disregard of the duty owed by the claimant to the employer and shall be considered misconduct except for illness or other reasonable grounds for which the employee was absent and that were properly reported to the employer." 871 IAC 24.32(7). The claimant was absent for legitimate medical reasons and her absences were properly reported.

**DECISION:**

The unemployment insurance decision dated October 27, 2014, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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