

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GENELLE S CHRISTOFFERSON**  
Claimant

**APPEAL NO. 08A-UI-11179-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEATON CORPORATION**  
Employer

**OC: 10/19/08 R: 03  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Genelle S. Christofferson filed a timely appeal from an unemployment insurance decision dated November 18, 2008, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held December 18, 2008, with Ms. Christofferson participating. Account Manager Rachel Leist participated for the employer, Seaton Corporation. Employer Exhibits One and Two were admitted into evidence.

**ISSUE:**

Was the claimant discharged for misconduct in connection with her employment?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Genelle S. Christofferson was employed by Seaton Corporation, doing business as Staff Management, from October 7, 2006, until she was discharged October 15, 2008.

She was fired for poor attendance. The final absence occurred on October 14, 2008. Ms. Christofferson missed work in order to assist an elderly roommate, not a relative, during his dismissal from the Veterans Administration hospital. The company requires that absences be reported at least two hours before the beginning of a shift. Ms. Christofferson was scheduled to begin work at 6:00 a.m. on October 14, 2008. She first called the employer at approximately 4:45 a.m. Ms. Christofferson was absent on October 13, 2008, because of an appointment with her attorney. She was absent on September 22, 2008, because her car broke down. On September 15, 2008, she was absent without contact. She was absent on August 4, 5, and 6, 2008, because of her arrest for driving while intoxicated. Ms. Christofferson was also absent on various occasions between August 20, 2008, and October 8, 2008, for what she described as medical reasons. She did not contact the employer at least two hours before the beginning of her shift on most occasions and she did not provide medical documentation of the absences.

Ms. Christofferson had received a final written warning on September 30, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant was discharged for misconduct. It does.

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.

Excessive unexcused absenteeism is one form of misconduct. See Higgins v. Iowa Department of Job Service, 350 N.W.2d 187 (Iowa 1984). Absences due to matters of personal responsibility are deemed to be unexcused whether or not the employee reports the absence to the employer. See Harlan v. Iowa Department of Job Service, 350 N.W.2d 192 (Iowa 1984). Based upon the Harlan case, the administrative law judge concludes that the absences on October 13, September 22, September 15, and August 4, 5, and 6, 2008, were all unexcused.

Absences due to personal illness and other excusable reasons beyond an employee's control can be deemed excused for unemployment insurance purposes, provided the absences were properly reported to the employer. See Higgins and 871 IAC 24.32(7). Assuming without finding that the absence on October 14, 2008, was potentially excusable, the administrative law judge concludes that it must be deemed unexcused because, according to the claimant's testimony, she did not try to contact the employer until one hour and 15 minutes before her shift. The evidence in the record establishes a number of medical absences, with only the absence on August 20, 2008, being properly reported.

This evidence is sufficient to establish a discharge for excessive unexcused absenteeism. Benefits must be withheld.

**DECISION:**

The unemployment insurance decision dated November 18, 2008, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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