

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEVON M DAMERON**  
Claimant

**APPEAL NO. 09A-UI-10905-S**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QWEST CORPORATION**  
Employer

**OC: 06/021/09**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct  
871 IAC 24.32(7) – Excessive Unexcused Absenteeism

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated July 23, 2009, reference 01, that held the claimant was discharged for misconduct on June 26, 2009, and benefits are denied. A hearing was held on August 17, 2009. The claimant did not participate. Todd Welch, Telephone Sales Manager, and Steve Zaks, Representative, participated for the employer.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record, finds that: The claimant was discharged by the employer for misconduct on June 26, 2009, and he was disqualified from receiving benefits.

When the claimant failed to appear for the hearing, the employer moved to default him for want of appearance. The motion was granted.

**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 discharged for misconduct on June 26, 2009. The employer motion for default was granted due to the failure of the claimant to appear and offer evidence.

**DECISION:**

The decision of the representative dated July 23, 2009, reference 01, is affirmed. The claimant was discharged for misconduct in connection with employment on June 26, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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