

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RAFAEL ALVARENGA CISNEROS**  
Claimant

**APPEAL NO: 11O-UI-15828-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WEST LIBERTY FOODS LLC**  
Employer

**OC: 08/07/11**  
**Claimant: Appellant (2)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated September 7, 2011, reference 01, that held he voluntarily quit without good cause on June 16, 2011, and which denied benefits. A telephone hearing was held on February 8, 2012. The claimant and Anna Pottebaum, interpreter, participated. The employer did not participate.

**ISSUE:**

Whether the claimant was discharged for misconduct in connection with employment.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered the evidence in the record, finds: The claimant worked as a full-time production employee from November 2, 2010, and last worked for the employer on June 16, 2011. He suffered a job-related injury on May 23. The employer terminated him due to doctor-imposed work restrictions on June 16, because he could not do his regular job.

**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 the employer failed to establish claimant was discharged for misconduct in connection with employment on June 16, 2011. The employer failed to participate in this hearing and offer evidence of job-disqualifying misconduct.

**DECISION:**

The department decision dated September 7, 2011, reference 01, is reversed. The claimant was not discharged for misconduct on June 16, 2011. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw