

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSEMARY M STOKES**

Claimant

**APPEAL NO: 09A-UI-09902-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEACON OF HOPE HOSPICE INC**

Employer

**OC: 05/17//09**

**Claimant: Respondent (1)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated June 30, 2009, reference 01, that held the claimant was discharged for no misconduct on May 18, 2009, and benefits are allowed. A telephone hearing was held on July 28, 2009. The claimant 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 began employment on October 10, 2005, and last worked for the employer as a full-time hospice nurse on May 18, 2009. The employer discharged the claimant without warning or reason on May 18.

The employer failed to respond to the hearing notice.

**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 has failed to establish that the claimant was discharged for misconduct in connection with employment on May 18, 2009.

**DECISION:**

The department decision dated June 30, 2009, reference 01, is affirmed. The claimant was discharged for no misconduct on May 18, 2009. 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

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