

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL L BUNDA
Claimant

APPEAL NO. 09A-UI-11659-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA PACIFIC PROCESSORS INC
Employer

**Original Claim: 07/12/09
Claimant: Appellant (2)**

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 6, 2009, reference 01 that held he was discharged for misconduct on July 10, 2009, and that denied benefits. A telephone hearing was held on August 27, 2009. The claimant participated. The employer did not participate in the hearing.

ISSUE:

The issue is whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the claimant and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time and on-call maintenance repair man from April 25, 2008 to July 10, 2009. The claimant was discharged for an improper repair of a meat tenderizer on July 10, 2009.

The employer failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant was discharged for misconduct in connection with employment.

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 from employment for no act of misconduct on July 10, 2009. The employer failed to participate in this hearing and offer evidence of job-disqualifying misconduct.

DECISION:

The department decision dated August 27, 2009, reference 01, is reversed. The claimant was not discharged for misconduct on July 10, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw