

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHANIE A PETERS

Claimant

APPEAL NO: 09A-UI-10265-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OVATIONS FOOD SERVICES LP

Employer

OC: 06/07//09

Claimant: Respondent (1)

Section 96.5-2-a – Discharge

871 IAC 26.14(7) – Late Call

STATEMENT OF THE CASE:

The employer appealed a department decision dated July 9, 2009, reference 01, that held it failed to establish misconduct in the discharge of the claimant on June 8, 2009, and benefits are allowed. A telephone hearing was scheduled for August 4, 2009. The claimant and the employer did not participate.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant worked for the employer and was discharged on June 8, 2009.

The claimant did not respond to the hearing notice.

The employer representative called in more than 20 minutes after the scheduled time for hearing without a good cause for failing to have responded 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 employer failed to participate in this hearing and offer evidence of job disqualifying misconduct.

DECISION:

The unemployment insurance decision dated July 9, 2009, reference 01, is affirmed. The claimant was not discharged for misconduct on June 8, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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