

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRENTON D SMITH**  
Claimant

**IGRAM INC**  
Employer

**APPEAL NO. 12A-UI-11859-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/02/12**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated September 27, 2012, reference 01, that held he voluntarily quit without good cause on September 6, 2012, and benefits are denied. A hearing was held on October 29, 2012. The claimant participated. The employer did not participate.

**ISSUE:**

The issue is whether the claimant voluntary quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds that: The claimant started work as a full-time warehouse delivery employee for the employer beginning August 12, 2008. After completing a delivery on September 6, 2012, the employer asked claimant to go to a Sears store to service a riding lawn mower. When claimant questioned this job, he was told he was done and could get his pay check the following day.

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 that the claimant was not discharged for misconduct on September 6, 2012. Claimant had a good cause to question the employer job request that is not a quitting of employment. The employer failed to participate in this hearing and establish job disqualifying misconduct.

**DECISION:**

The decision of the department representative dated September 27, 2012, reference 01, is reversed. The claimant was not discharged for misconduct on September 6, 2012. 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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