

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HOWARD I CHANDLER**  
Claimant

**APPEAL NO: 10A-UI-05454-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWIFT & COMPANY**  
Employer

**OC: 03/07/10**  
**Claimant: Respondent (1)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated April 1, 2010, reference 01, that held the claimant was not discharged for misconduct on March 12, 2010, and benefits are allowed. A telephone hearing was scheduled for May 26, 2010. The claimant and employer did not participate.

**ISSUE:**

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 as a full-time production employee from April 6, 2009 to March 12, 2010. The claimant was discharged for failing to clean-up meat scrap at the end of the line.

The claimant and 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 March 12, 2010. The employer failed to participate in this hearing and offer evidence of job disqualifying misconduct.

**DECISION:**

The department decision dated April 1, 2010, reference 01, is affirmed. The claimant was not discharged for misconduct on March 12, 2010. 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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