

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAYLOR L DOSE**  
Claimant

**APPEAL NO: 13A-UI-03488-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NORDSTROM INC**  
Employer

**OC: 02/17/13**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's March 13, 2013 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been discharged for nondisqualifying reasons. The claimant participated in the hearing. Tom Kuiper represented the employer. Kaly Dolan, the human resource lead, Ryan Eichhorn, a human resource assistant, and Megan Manson, a customer service supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in October 2011. She worked as a full time customer service specialist. The employer's attendance policy informs employees that if they accumulate eight attendance points, they will be discharged for violating the employer's attendance policy. Manson became the claimant's supervisor in January 2013.

On February 13, 2013, the claimant received notice that she had accumulated 7.75 attendance points. On February 19, 2013, the claimant requested time off for parts of that day. The claimant thought she had asked for time off from 1:30 to 2:30 p.m., but this time frame had not been inputted correctly or had not been granted. Instead of checking if all her time off had been approved before she left work at 12:30 p.m., the claimant assumed she had been granted all the time off she had requested, 12:30 to 3:15 p.m. The claimant asked for this time off because she had a doctor's appointment and then went to lunch with her mother. When the claimant left work at 12:30 a.m., she thought she was not scheduled to report back to work until 3:15 p.m.

When the claimant returned to work by 3:15 p.m., she then realized she had not been authorized time off from 1:30 to 2:30 p.m. She told Manson she had made a mistake and asked if she was going to be discharged. Manson checked. The employer discharged the claimant because she was assessed 0.25 points for her unauthorized absence on February 19, which meant she had accumulated eight attendance points

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The law presumes excessive unexcused absenteeism is an intentional disregard of the claimant's duty to an employer and amounts to work-connected misconduct except for illness or other reasonable grounds for which the employee was absent and has properly reported to the employer. 871 IAC 24.32(7).

On February 19, 2013, the claimant requested time off during her shift. The claimant tried to request time off from 12:30 to 3:15 p.m. When she made the request, she did not enter the time correctly and then failed to make sure all the time she had requested off had been authorized. When the claimant left work at 12:30 a.m., she assumed she had been authorized to be off work until 3:15 p.m. The claimant returned to work at 3:15 p.m.

Since the claimant was not authorized to be off work from 1:30 to 2:30 p.m., the 0.25 attendance points she received for this absence was justified. As of February 19, the claimant accumulated eight attendance points. The employer discharged her for justifiable business reasons. On February 19, the claimant did not intentionally fail to work as scheduled. Before she left at 12:30 p.m., she believed she had been authorized time off until 3:15 p.m. Since the claimant had just received a warning that she had 7.75 attendance points, her failure to make sure all the time she requested off that day was granted amounts to an error in judgment. Based on the facts of this case, the claimant did not commit work-connected misconduct. As of February 17, 2013, the claimant is qualified to receive benefits.

#### **DECISION:**

The representative's March 13, 2013 determination (reference 01) is affirmed. The employer discharged the claimant for business reasons, but she did not commit work-connected misconduct. As of February 17, 2013, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs