

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN L LIEB
Claimant

APPEAL NO: 12A-UI-07101-ST

WORKSOURCE INC
Employer

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/06/12
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge
871 IAC 24.32(7) – Excessive Unexcused Absenteeism

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 8, 2012, reference 01, that held he was discharged for excessive unexcused absenteeism on April 27, 2012, and benefits are denied. A telephone hearing was held on July 10, 2012. The claimant did not participate. Heather Parson, Account Manager, participated for the employer.

ISSUE:

Whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began employment as full-time laborer on assignment starting December 22, 2011, and last worked for the employer on April 25, 2012. The claimant received an employee handbook that contained the policies of the employer.

The employer issued claimant a warning in March 2012 about attendance issues that involved absences, leaving early and a no-call/no-show on March 1. He was advised that further attendance issues would lead to employment termination. When he was a no-call/no-show on April 26 he was discharged the following day.

Claimant 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.

Iowa Code section 96.5-1-e provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

e. The individual left employment upon the advice of a licensed and practicing physician, for the sole purpose of taking a member of the individual's family to a place having a different climate, during which time the individual shall be deemed unavailable for work, and notwithstanding during such absence the individual secures temporary employment, and returned to the individual's regular employer and offered the individual's services and the individual's regular work or comparable work was not available, provided the individual is otherwise eligible.

The administrative law judge concludes the employer has established that the claimant was discharged for misconduct in connection with employment on April 27, 2012, for excessive unexcused absenteeism.

The claimant knew the employer absence policy due to a prior warning and his repeated violation for the same offense constitutes job disqualifying misconduct.

DECISION:

The department decision dated June 8, 2012, reference 01, is affirmed. The claimant was discharged for misconduct on April 27, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs