

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANET L VAN WINKLE**  
Claimant

**APPEAL NO. 08A-UI-11622-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ROCKWELL COLLINS**  
Employer

**OC: 10/26/08 R: 03  
Claimant: Respondent (1)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

Rockwell Collins, Inc. filed a timely appeal from an unemployment insurance decision dated December 1, 2008, reference 01, that allowed benefits to Janet L. Van Winkle. Due notice was issued for a telephone hearing to be held December 31, 2008. The employer did not provide the name and telephone number of any witnesses. Under the circumstances, it was unnecessary to take testimony from the claimant. This decision is based on information in the administrative file.

**ISSUE:**

Was the claimant discharged for misconduct in connection with her employment?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: Janet L. Van Winkle was employed by Rockwell Collins, Inc. from April 18, 2005, until she was discharged on October 3, 2008. Ms. Van Winkle was discharged because of absences caused by the illness of her husband. She reported the absences to the employer.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant was discharged for misconduct in connection with her employment. It does not.

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.

Excessive unexcused absenteeism is misconduct. See Higgins v. Iowa Department of Job Service, 350 N.W.2d 187 (Iowa 1984). However, absences due to medical conditions are not held against an employee for unemployment insurance purposes, provided the absences are properly reported to the employer. See Higgins and 871 IAC 24.32(7).

The employer has the burden of proof. See Iowa Code section 96.6-2. As noted above, the employer, the appellant in this case, did not participate in the hearing. The evidence in the record does not establish misconduct. Benefits are allowed.

**DECISION:**

The unemployment insurance decision dated December 1, 2008, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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