

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

CLAY R PETTIT

Claimant

and

WELLMAN DYNAMICS CORP

Employer

HEARING NUMBER: 17BUI-03652

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Board is deciding that excessive absenteeism was proven. It has considered the absence in April for the anniversary to be excused since it was approved by the Employer. On absences where no excuse is given at the time of the absence, and none is given in the record, we find the absences to be not excused. *Higgins v. Iowa Department of Job Service*, 350 N.W.2d 187, 191 (Iowa 1984)(emphasis added) see *Spragg v. Becker-Underwood, Inc.* 672 N.W.2d 333, 2003 WL 22339237 (Iowa App. 2003) (refusal). Where the Employer shows that there was no excuse given at the time of the absence and

none appears in the record of the hearing then that absence or tardy is not for an excused reason. We thus have included in the list of unexcused absences those that fit these criteria. Accordingly we affirm the disqualification for excessive unexcused absenteeism.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

RRA/fnv