

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JARED T EDWARDS
1402 S 12TH ST
CLINTON IA 52732

APAC CUSTOMER SERVICES OF IOWA
% TALX UC EXPRESS
P O BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-00797-CT
OC: 12/19/04 R: 04
Claimant: Respondent (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a – Discharge of Misconduct
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

APAC Customer Services of Iowa (APAC) filed an appeal from a representative's decision dated January 13, 2005, reference 01, which held that no disqualification would be imposed regarding Jared Edwards' separation from employment. After due notice was issued, a hearing was held by telephone on February 22, 2005. Mr. Edwards participated personally. The employer participated by Angie Jacobs, Administrative Assistant.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Edwards began working for APAC on September 22, 2003 as a telephone service representative. His last day at work was October 14, 2004 and he properly reported the intent to be absent on October 15 and 16. The employer learned on October 19 that he had been admitted to the hospital. Mr. Edwards was released from the hospital on or about October 26. He obtained papers for a leave of absence approximately mid-November. He was aware that the papers had to be returned within 15 days.

The employer did not hear from Mr. Edwards or receive his leave of absence forms for a period of approximately four weeks. On December 7, he picked up new forms for the leave of absence and spoke to Angie Jacobs. She reminded Mr. Edwards that the forms had to be returned within 15 days. He indicated that he had an appointment with the doctor the following Monday, December 13, and would have the forms completed at that time. The employer did not receive the forms or have any further contact with Mr. Edwards. Therefore, he was removed from payroll effective December 15, 2004.

Mr. Edwards has received a total of \$702.00 in job insurance benefits since filing his claim effective December 19, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Edwards was separated from employment for any disqualifying reason. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Edwards was discharged for failing to maintain contact with the employer and for failing to present documentation of the continued need to be absent. Although the employer was made aware of Mr. Edwards' hospitalization, they had no way of knowing how long he would be prevented from returning to work. It was his responsibility to keep the employer informed of his intentions. Given the length of his absence, it was not unreasonable for the employer to require certification that Mr. Edwards needed to remain off work due to his medical condition. He had two opportunities to provide the required documentation but still failed to provide it. Even if the paperwork was delayed by the doctor's

office, Mr. Edwards still had an obligation to maintain contact with the employer regarding his status.

Mr. Edwards' extended period of absence and his failure to submit medical justification for it constituted a substantial disregard of the standards the employer had the right to expect. It is concluded, therefore, that disqualifying misconduct has been established by the evidence. Accordingly, benefits are denied. Mr. Edwards has received benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated January 13, 2005, reference 01, is hereby reversed. Mr. Edwards was discharged for misconduct in connection with his employment. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Edwards has been overpaid \$702.00 in job insurance benefits.

cfc/