

**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**

**CASSIE J BORGLUM  
207 S 2<sup>ND</sup> ST  
PO BOX 116  
GREENE IA 50636**

**ALLISON CARE CENTER  
PO BOX 645  
ALLISON IA 50602**

**Appeal Number: 06A-UI-01310-CT  
OC: 01/01/06 R: 03  
Claimant: Appellant (1)**

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Cassie Borglum filed an appeal from a representative's decision dated January 30, 2006, reference 01, which denied benefits based on her separation from Allison Care Center. After due notice was issued, a hearing was held by telephone on March 3, 2006. Ms. Borglum participated personally and offered additional testimony from Jason Woodbury. The employer participated by Kathy Miller, Administrator; Kelly Thorne, Food Service Supervisor; and Vicki Kruse, Human Resources. Exhibits One through Six were admitted on the employer's behalf.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Borglum began working for Allison Care Center on December 20, 2004, as a part-time dietary aide. She worked approximately 11 hours each week. She was discharged because of her attendance.

On April 12, 2005, Ms. Borglum's boyfriend called to report that she would be absent because she experienced car trouble on her way back from Des Moines. On April 19, Ms. Borglum did not report for work as scheduled and did not call the employer. When contacted by the supervisor, she indicated she had forgotten she had a counseling session scheduled and could not work. As a result of the above two absences, Ms. Borglum was counseled on April 26. On June 17, she received a written warning because she had failed to report for work or call on May 24. She indicated her belief that the schedule had been changed after she noted the days she was to work.

On or about December 26, Ms. Borglum picked up an additional ten hours per week working as an aide in the assisted living portion of the employer's facility. On December 29, Ms. Borglum was to be at work at her regular job at 8:00 a.m. She placed a call to the workplace shortly before the start of her shift and asked to be connected to the kitchen. Apparently the call was disconnected before she could speak with anyone. Ms. Borglum did not attempt to call back. She did not call the employer to advise that she would not be working the 5:00 p.m. shift that was scheduled for her in the assisted living area. Because she had not reported her absences, the employer decided on December 29 that she would be discharged.

Ms. Borglum arranged coverage for her shift for December 30. In a conversation with the employer on that date, she quit that portion of the job in the assisted living area. The employer did not want to advise Ms. Borglum of her discharge over the telephone and, therefore, she did not learn of the discharge until she appeared in person on January 2, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Borglum 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). Ms. Borglum was discharged because of her attendance. An individual who was discharged because of attendance is disqualified from receiving benefits if she was excessively absent on an unexcused basis. Absences that are for reasonable cause and are properly reported are considered excused absences.

Ms. Borglum's absence of April 12 is unexcused, as it was due to a transportation problem. Absences due to matters of purely personal responsibility, such as transportation, are not excused. Higgins v. Iowa Department of Job Service, 350 N.W.2d 187 (Iowa 1984). The absences of April 19 and May 24 are unexcused, as they were not properly reported. Ms. Borglum offered no evidence in support of her belief that the schedule had been changed, resulting in her not knowing she had to work on May 24. Based on the warning she received on June 1, Ms. Borglum knew that the employer expected her to call if she was going to be absent.

In spite of the warnings, Ms. Borglum twice failed to report her absences on December 29. She made an effort to call on the morning of December 29 but was disconnected. However, even though she knew she had not spoken with anyone that morning to report her absence, she made no effort to return the call to the employer and did not call at all to notify the employer that she intended to be absent from her 5:00 p.m. shift. The employer operates a care facility and Ms. Borglum was expected to assist in the dietary department. Her unplanned and unreported absences could have negatively impacted the employer's ability to get residents fed timely. Ms. Borglum's continued failure to report her absences after being warned constituted a substantial disregard of the standards an employer has the right to expect.

For the reasons stated herein, the administrative law judge concludes that the employer has satisfied its burden of proving disqualifying misconduct. Accordingly, benefits are denied.

DECISION:

The representative's decision dated January 30, 2006, reference 01, is hereby affirmed. Ms. Borglum was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times the weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjw