

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM D PAGE
Claimant

APPEAL NO: 12A-UI-10474-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

C & C REALTY LLC
Employer

OC: 07/22/12
Claimant: Appellant (2)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 23, 2012, reference 01, that held he was discharged for misconduct on July 24, 2012, and which denied benefits. A telephone hearing was held on September 26, 2012. The claimant participated. The employer did not participate.

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 witness and having considered the evidence in the record, finds: The claimant began employment as a full-time semi driver on January 7, 2011, and last worked for the employer on July 18, 2012. He was sent home when his truck broke down and it required repair. He reported for work on July 24, but his truck had not been repaired. When he sought to drive another truck, he was told not to do so, sent home, and told he would be contacted by the employer for further work. Claimant did not receive any further work from the employer.

The employer did not 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.

The administrative law judge concludes the employer has failed to establish claimant was discharged for misconduct in connection with employment on July 24, 2012. The employer failed to participate in this matter and offer evidence of job-disqualifying misconduct.

DECISION:

The department decision dated August 23, 2012, reference 01, is reversed. The claimant was not discharged for misconduct on July 24, 2012. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw