

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEATHER R ADCOCK**  
Claimant

**APPEAL NO. 11A-UI-04185-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THOMAS L CARDELLA & ASSOCIATES INC**  
Employer

**OC: 02/06/11**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge  
871 IAC 24.32(7) – Excessive Unexcused Absenteeism

**STATEMENT OF THE CASE:**

Heather R. Adcock filed a timely appeal from an unemployment insurance decision dated March 23, 2011, reference 02, that disqualified her for benefits. Due notice was issued for a telephone hearing to be held September 19, 2011. Ms. Adcock did not provide a telephone number at which she could be contacted. The employer, Thomas L. Cardella & Associates provided the names and telephone numbers of two witnesses, neither of whom was available at the time of the hearing. This decision is based on information in Agency fact-finding records.

**ISSUE:**

Was the claimant discharged for excessive unexcused absenteeism?

**FINDINGS OF FACT:**

Heather R. Adcock was employed as a telephone sales representative by Thomas L. Cardella & Associates from May 2010 until she was discharged February 7, 2011. Ms. Adcock left work early on February 1, 2011 because of the early dismissal of local schools due to weather. Ms. Adcock left to pick up her daughter. She had been absent due to illness on November 22, December 15, December 17 and December 30, 2010 and on January 10 and 11, 2011. She had notified the employer of these absences.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant was discharged for excessive unexcused absenteeism. 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 one form of misconduct. See Higgins v. Iowa Department of Job Service, 350 N.W.2d 187 (Iowa 1984). Absence due to illness is not considered to be unexcused provided the individual properly notifies the employer. See Higgins and 871 IAC 24.32(7). A single unexcused absence is not sufficient to establish excessive unexcused absenteeism. See Sallis v. Employment Appeal Board, 437 N.W.2d 895 (Iowa 1989).

The evidence in the record establishes that all incidents prior to the final incident were due to illness and were properly reported. Whether or not the final incident could be considered an unexcused absence, it alone is insufficient to establish excessive unexcused absenteeism. Benefits are allowed.

**DECISION:**

The unemployment insurance decision dated March 23, 2011, reference 02, is reversed. 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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