

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHEN R MOHLER**  
Claimant

**APPEAL NO: 09A-UI-19444-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVENTURE LANDS OF AMERICA INC**  
Employer

**OC: 10 /04/09  
Claimant: Appellant (1)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a representative's December 16, 2009 decision (reference 01) that disqualified him from receiving benefits, and held the employer's account exempt from charge because the claimant had been discharged for disqualifying reasons. A telephone hearing was held on February 8, 2010. The claimant participated in the hearing. Gary Reed, the maintenance supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the employer discharge the claimant for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on March 5, 2009. He was hired to work as a full-time maintenance employee. Reed supervised the claimant.

The employer is very busy during the summer and needs maintenance employees to work as scheduled. The claimant worked as scheduled on July 14, 7:00 a.m. to 3:00 p.m. The claimant was scheduled to work from July 15 to 25. He did not report to work or notify the employer he was unable to work these days. On July 26, 2009, the claimant reported to work at the beginning of his shift.

Shortly after the claimant reported to work, the employer called an ambulance for the claimant after he exhibited some medical problems. The claimant was hospitalized July 26 through July 28. On July 29, when the claimant returned to work, Reed told him he no longer had a job because he needed reliable and dependable employees, which the claimant was not. The employer discharged the claimant for his excessive absenteeism, July 15 through 25, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a. The law presumes excessive unexcused absenteeism is an intentional disregard of the claimant's duty to an employer and amounts to work-connected misconduct except for illness or other reasonable grounds for which the employee was absent and has properly reported to the employer. 871 IAC 24.32(7).

The claimant asserted he had a medical condition that prevented him from working or contacting the employer July 15 through 25, 2009. Even if the claimant was unconscious as he asserted for 48 hours at a time, he was not unconscious all the time. The claimant could have contacted the employer sometime between July 15 and 25 to report he was unable to work if he was ill. The claimant did not do this. He did not provide any supporting documentation that he was ill and unable to work July 15 to 25. The employer discharged the claimant for being absent without notifying the employer July 15 through 25. The claimant's failure to notify the employer any time during this time constitutes an intentional disregard of the employer's interests. The claimant committed work-connected misconduct when he did not report to work or call July 15 to 25, 2009.

**DECISION:**

The representative's December 16, 2009 decision (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of October 4, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css