

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ASHLEIGH GRAYBILL**  
Claimant

**TARGET CORPORATION**  
Employer

**APPEAL 16A-UI-05977-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/01/16**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Ashleigh Graybill (claimant) filed an appeal from the May 23, 2016 (reference 01) unemployment insurance decision that denied benefits based upon the determination Target Corporation (employer) discharged her for excessive unexcused absenteeism. The parties were properly notified about the hearing. A telephone hearing was held on June 15, 2016. The claimant participated personally and her mother, Donna Graybill, observed the hearing. The employer participated through Executive Team Leader of Human Resources Caitlin McGowean.

**ISSUE:**

Was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a Guest Service Team Member Cashier beginning on September 16, 2015 and was separated from employment on April 21, 2016, when she was discharged. The employer has an attendance policy that requires employees to notify it prior to the start of their shift if they are going to be late or absent.

On November 12 and December 4, 2015, the claimant notified the employer she would not be at work due to illness. On January 1, 2016, the claimant notified the employer she would be absent; however, neither party knows why she was absent that day. The claimant received a written warning on January 29, 2016, due to attendance. On February 17, 2016, the claimant notified the employer that she would not be at work as she was on vacation and her flight was delayed by 24 hours. On March 14, 2016, the claimant was given a final written warning due to attendance. She was told at that time that any further absences could result in her discharge.

On April 21, 2016, the claimant arrived three hours late to work and was not in uniform as she had left her red shirt in her vehicle. The claimant had set her alarm the night before but it did not go off, so she was late. She did not notify the employer that she was running late for her shift. Executive Team Leader of Human Resources Caitlin McGowean knew the claimant had previously been disciplined for attendance and ended her employment.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct. Benefits are denied.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.32(7) provides:

(7) Excessive unexcused absenteeism. Excessive unexcused absenteeism is an intentional disregard of the duty owed by the claimant to the employer and shall be considered misconduct except for illness or other reasonable grounds for which the employee was absent and that were properly reported to the employer.

The determination of whether unexcused absenteeism is excessive necessarily requires consideration of past acts and warnings. The term "absenteeism" also encompasses conduct that is more accurately referred to as "tardiness." An absence is an extended tardiness, and an incident of tardiness is a limited absence. Absences related to issues of personal responsibility such as transportation, lack of childcare, and oversleeping are not considered excused. *Higgins v. Iowa Dep't of Job Serv.*, 350 N.W.2d 187 (Iowa 1984). Absences due to illness or injury must be properly reported in order to be excused. *Cosper v. Iowa Dep't of Job Serv.*, 321 N.W.2d 6 (Iowa 1982).

An employer's point system or no-fault absenteeism policy is not dispositive of the issue of qualification for benefits; however, an employer is entitled to expect its employees to report to work as scheduled or to be notified as to when and why the employee is unable to report to work. The employer has established that the claimant was warned that further unexcused absences could result in termination of employment and the final absence was not excused. The final absence, in combination with the claimant's history of unexcused absenteeism, is considered excessive. Benefits are withheld.

**DECISION:**

The May 23, 2016 (reference 01) unemployment insurance decision is affirmed. The claimant was discharged from employment due to excessive, unexcused absenteeism. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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