

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW L HAMILTON**  
Claimant

**APPEAL NO: 11A-UI-09415-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING**  
Employer

**OC: 06/12/11  
Claimant: Respondent (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's July 13, 2011 determination (reference 02) that held the claimant qualified to receive benefits and the employer's account subject to charge because he had been discharged for non disqualifying reasons. The claimant did not respond to the hearing notice or participate in the hearing. Colleen McGuinty and Brenda Lampe appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge finds the claimant qualified to receive benefits.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant registered to work for the employer in July 2010. The employer assigned him to a long-term job assignment on July 27, 2010.

The claimant received a written warning for attendance issues on October 10, 2010. He received the warning because he had been late for work as follows:

- 2 minutes on September 3
- 21 minutes on September 21
- 11 minutes on September 14
- 13 minutes on September 16
- 24 minutes on September 21

The warning informed the claimant that if he had any more attendance issues, he would be discharged from the assignment.

On November 3, 2010, the claimant brought a doctor's statement to the client stating the claimant was restricted from working for a week. Since the claimant had received a written warning for attendance issues in October 2010, the client asked the employer to remove the claimant from the job on November 3, 2010. The job assignment had not been completed.

**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 facts establish the client had justifiable business reasons for ending the claimant's assignment. After the claimant received the October 10 written warning he did not have any attendance issues until his doctor restricted him from working the first week in November. The facts indicate the claimant had reasonable grounds, a medical condition, that prevented him from the working the first week in November. The facts do not establish that the claimant committed work-connected misconduct. As of June 12, 2011, the claimant is qualified to receive benefits.

**DECISION:**

The representative's July 13, 2011 determination (reference 02) is affirmed. The employer discharged the claimant for business reasons, but the claimant did not commit work-connected misconduct. As of June 12, 2011, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs