

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JA LEESA M CARADINE**  
Claimant

**APPEAL NO. 09A-UI-07479-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLGENCORP LLC**  
Employer

**OC: 04/12/09**  
**Claimant: Respondent (1)**

Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The employer appealed a department representative's decision dated May 7, 2009, reference 01, that held claimant was discharged for no misconduct from work on April 14, 2009, and benefits are allowed.

A telephone hearing was scheduled and held on June 4, 2009. The claimant participated. The employer did not participate.

**ISSUE:**

The issue was whether the claimant was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness, and having considered all of the evidence in the record, finds that:

Claimant worked as a full-time cashier for the employer from April 8, 2008, to April 13, 2009. Claimant was discharged by the employer on April 14, 2009 on an allegation that she aided a customer in acquiring merchandise without paying for it.

Prior to discharge, the claimant received no warning that she was violating any rules or regulations of the employer.

Although a notice of the date and time for the hearing was mailed to the employer and its representative at their addresses of record on May 20, they failed to respond to the hearing notice.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes that the employer has failed to establish the claimant was discharged for misconduct on April 14, 2009.

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.

Claimant denied violating an employer policy involving a customer taking merchandise without paying for it. The employer has failed to establish any claimant disqualifying misconduct. As the claimant is allowed benefits by reason of this decision, there is no issue regarding an overpayment.

**DECISION:**

The decision of the department representative dated May 7, 2009, reference 01, is affirmed. The employer has failed to establish the claimant was discharged for misconduct in connection with employment on April 14, 2009. The claimant is allowed benefits, provide she is otherwise eligible.

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R. L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

srs/pjs