

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES W BALZER**  
Claimant

**APPEAL NO: 15A-UI-02482-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PRO RESOURCES INC**  
Employer

**OC: 02/08/15**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's February 20, 2015 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been discharged for nondisqualifying reasons. The claimant participated at the March 30 hearing. Ashley Greene, the corporate administrator, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on May 5, 2014. He worked until September 17, 2014, when the employer laid him off from work.. The employer rehired the claimant on December 1, 2014. The employer allows employees three attendance points within the first 90 days of employment. When the employer rehired the claimant in December, he was considered a new employee.

The claimant received a copy of the employer's attendance policy when he was rehired. The employer allows a new employee three attendance points during the first 90 days of employment and nine points after 90 days of employment.

After the employer rehired the claimant, he received a half point on December 8, 2014, and on January 6, 2015, for reporting to work late. The claimant signed forms acknowledging he was late even though he was not late for work. Instead, he had missed a punch both days. On January 7, the claimant notified the employer he was unable to work because he could not drive to work in the adverse weather and road conditions. The claimant also called on February 2 to report he was unable to get to work because of adverse weather and road conditions. The claimant received one attendance point for each day.

After the claimant notified the employer he was unable to work on February 2, he had accumulated three attendance points within his first 90 days of employment. The employer discharged him on February 2 for violating the employer's attendance policy.

The claimant established a claim for benefits during the week of February 8, 2015. He has filed claims and received benefits since February 8, 2015.

**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 properly notified the employer he was unable to work on January 7 and February 2, 2015. He established reasonable grounds for these two absences. The employer established business reasons for discharge the claimant by following its attendance policy. In this case the claimant did not intentionally fail to work as scheduled. Instead, the days he was absent he was unable to get to work. The claimant did not commit work-connected misconduct. As of February 8, 2015, the claimant is qualified to receive benefits.

**DECISION:**

The representative's February 20, 2015 determination (reference 01) is affirmed. The employer discharged the claimant for business reasons, but the claimant did not commit work-connected misconduct. As of February 8, 2015, 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/css