

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA L SANKEY
Claimant

APPEAL NO: 10A-UI-09065-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASTERSON PERSONNEL INC
Employer

OC: 10/19/08
Claimant: Appellant (2)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 21, 2010, reference 01, that held she voluntarily quit without good cause on April 9, 2010, and benefits are denied. A telephone hearing was held on August 11, 2010. The claimant participated. The employer did not participate in the hearing.

ISSUE:

Whether the claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the claimant, and having considered the evidence in the record, finds: The claimant was hired by the employer, a temporary employment agency, on February 5, 2010. The claimant accepted a short-term assignment to work in the packaging department of Panera Foods. The claimant worked anywhere from three to five days a week. An employer representative would call the claimant each day to let her know whether she would be needed the next day.

The claimant last worked on Wednesday, April 7. The claimant told the employer representative she needed to be off work on Friday to take her daughter to a doctor's appointment. The claimant did not receive a call to report to work on April 8. When she picked up her paycheck at 4:00 p.m. on Friday, April 9, she was told by an employer representative that she was a voluntary quit for failing to report for work.

The employer failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes that the claimant was discharged for no act of misconduct on April 9, 2010. The claimant denies she failed to contact the employer about reporting for work on Friday, and the employer never contacted her about work the day before. The claimant did not voluntarily quit employment. The employer failed to participate in this hearing and offer evidence of job disqualifying misconduct.

DECISION:

The department decision dated June 21, 2010, reference 01, is reversed. The claimant was not discharged for misconduct on April 9, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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