

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

REVINA WILSON

Claimant,

and

ELITE FLAGGING INC

Employer.

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HEARING NUMBER: 11B-UI-15105

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A, 871 IAC

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Employment Appeal Board would correct the administrative law judge's Findings of Fact as follows in italics:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a supervisor, full-time, beginning in February 2010 through September 7, 2010, when she was discharged. On *September 7, 2010*, the claimant was scheduled to supervise a crew in Iowa City. There were numerous new employees on the job site, so Mr. Young went to the job site to assist the claimant with the new employees. The claimant was to be on the job site at 7:00 a.m. Mr. Young arrived at 6:40 a.m. and noted the claimant was not there. He called her to ask where she was and she told him she was only a few minutes away. When the claimant did not arrive after a few minutes, Mr. Young called her again and at that time the claimant realized that Mr. Young was on the job site. The claimant did not arrive at the job site until 7:15 a.m. Mr. Young told the claimant again that it was imperative that she be on time to work, as she was the supervisor. Mr. Young warned the claimant that one more

instance of tardiness or unexcused

absenteeism would lead to her discharge. Mr. Young told the claimant that the next day, September 8, she had to be at the office at 6:00 a.m. to meet with her crew. He specifically told her that if she had car problems, she should call him early enough so that he could come and get her or so that he could get or send someone else to get her. On September 8 the claimant was not at work at 6:00 a.m. and called after that telling Mr. Young that she had car problems. The claimant did not come to work and Mr. Young discharged her for repeated absenteeism after repeated warnings. The claimant had been warned over ten times about the need for her to be to work on time.

John A. Peno

Monique F. Kuester

Elizabeth L. Seiser

AMG/kk