

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT V GRIZZARD**  
Claimant

**APPEAL NO. 09A-UI-15487-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ROCKWELL COLLINS INC**  
Employer

**OC: 09/20/09**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge  
Section 96.4-3 - Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated October 9, 2009, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on November 17, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Mike March. No one participated in the hearing on behalf of the employer.

**ISSUES:**

Was the claimant discharged for work-connected misconduct?

Was the claimant able to and available for work?

**FINDINGS OF FACT:**

The claimant worked full time for the employer from June 7, 1999, to September 1, 2009. He suffers from depression, anxiety, panic attacks, and agoraphobia for which he has received treatment for several months. As a result, the claimant was absent from work and received discipline for his absenteeism. He submitted medical excuses for several of his absences.

During the week of August 24, 2009, the claimant was absent from work due to his mental illness. He properly reported his absence. He was discharged on September 1, 2009, for excessive absenteeism.

When the claimant applied for unemployment insurance benefits during the week of September 20, 2009, he was able to and available to work despite his medical problems.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. Mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not misconduct within the meaning of the statute. 871 IAC 24.32(1).

No willful and substantial misconduct has been proven in this case.

The issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. The evidence establishes the claimant was able to work and available for work.

**DECISION:**

The unemployment insurance decision dated October 9, 2009, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css