

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEFFERY J SMITH**  
Claimant

**APPEAL NO. 13A-UI-03568-ST**

**DIVERSIFIED COMPOSITES CORP**  
Employer

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/17/13**  
**Claimant: Respondent (1)**

Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The employer appealed a department representative's decision dated March 19, 2013, reference 01, that held the claimant was not discharged for misconduct on February 18, 2013, and benefits are allowed. A hearing was held on April 26, 2013. The claimant did not participate. Kevin Becker, President, participated for the employer.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record finds that: The claimant began employment on April 24, 2007 and last worked as a full-time assembler on February 15, 2013. The employer discharged claimant for absences from work.

The claimant failed to respond to the hearing notice. The designated employer participant was not available when called for the hearing.

**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 employer failed to establish misconduct in the discharge of the claimant on February 15, 2013. The employer failed to participate in this matter and offer testimony/evidence of job disqualifying misconduct.

**DECISION:**

The decision of the representative dated March 19, 2013, reference 01, is affirmed. The claimant was not discharged for misconduct in connection with employment on February 15, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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