

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAURA L GRAAP**  
Claimant

**APPEAL NO: 13A-UI-04791-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAVENPORT COMMUNITY SCH DIST**  
Employer

**OC: 03/31/13**  
**Claimant: Appellant (2)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated April 18, 2013, reference 01, that held she was discharged for misconduct on April 2, 2013, and benefits are denied. A telephone hearing was held on June 17, 2013. The claimant did not participate. The employer submitted Exhibit One in lieu of participation that was received as evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record, finds: The claimant was dismissed from employment on April 2, 2013.

The employer submitted a written statement it is not protesting claimant UI benefits with a request to reverse the department decision. Claimant could not be reached at the telephone number she provided.

**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 the employer has failed to establish claimant was discharged for misconduct in connection with employment on April 2, 2013. The employer is not protesting claimant's UI claim for benefits and it requests a reversal of the department decision. Job disqualifying misconduct is not established.

**DECISION:**

The department decision dated April 18, 2013, reference 01, is reversed. The claimant was not discharged for misconduct on April 2, 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

rls/pjs