

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MYRNA K CLEMENS**

Claimant

**APPEAL NO: 10A-UI-02657-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MOULDED FIBRE TECHNOLOGY**

Employer

**OC: 01/24/10**

**Claimant: Respondent (1)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated February 15, 2010, reference 01, that held the claimant was not discharged for misconduct on January 27, 2010, and benefits are allowed. A telephone hearing was held on March 31, 2010. The claimant participated. The employer did not participate in the hearing. Official notice was taken of the claimant documents submitted as evidence for 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 began work for the employer on January 1, 2008, and last worked for the employer as a full-time second shift inspector/packer on January 27, 2010. The claimant was discharged on January 28 for making threatening comments to co-workers in violation of the employer harassment policy. The claimant denies that she made any threats against co-worker, employees.

The employer failed to respond to the hearing notice.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant was discharged for misconduct in connection with employment.

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 not discharged for misconduct on January 28, 2010. The claimant denies violating the employer harassment policy and further denies making any threats against co-workers. The employer failed to participate in this hearing and offer evidence of job disqualifying misconduct.

**DECISION:**

The department decision dated February 15, 2010, reference 01, is affirmed. The claimant was not discharged for misconduct on January 28, 2010. 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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