



Department of Inspections,  
Appeals, & Licensing

Iowa Department of Inspections, Appeals, & Licensing  
Administrative Hearings Division  
6200 Park Avenue, Suite 100, East Entrance  
Des Moines, IA 50321-1270

**Appeal Decision**

Claim Number:  
[REDACTED]

Determination Number:  
7409307

Appeal Filed By:  
SEAN STRATTON

Appeal Filed Date:  
10/10/2025

Appeals Bureau Docket:  
2025148128-AT



**APPEALS BUREAU DECISION OF ADMINISTRATIVE LAW JUDGE**

Mail Date: January 2, 2026

**Appellant**

Claimant/Job Seeker: SEAN STRATTON

Claimant address: [REDACTED]

Social Security Number: [REDACTED]

**Appellee**

Employer: Premier Ceiling Systems, Llc

[REDACTED]

In regard to the appeal by SEAN STRATTON:

**STATUTORY REFERENCE**

Iowa Code § 96.5(2)a - Discharge

**ISSUES STATEMENT**

Did the employer discharge Mr. Stratton from employment for disqualifying, job-related misconduct?

**CASE HISTORY**

Sean M. Stratton appealed the Iowa Workforce Development (IWD) October 3, 2025 disqualifying separation determination. IWD denied Mr. Stratton REGULAR (state) unemployment insurance (UI) benefits because IWD concluded employer Premier Ceiling Systems, LLC discharged him from employment on September 19, 2025 for conduct not in the best interest of the employer. Mr. Stratton appealed on October 10, 2025. On October 14, 2025 the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau sent a notice of hearing to Mr. Stratton and the employer for a telephone hearing scheduled for December 30, 2025.

The administrative law judge held a telephone hearing on December 30, 2025. Mr. Stratton participated in the hearing personally. The employer participated in the hearing through Rick Thippen, owner. Elisa Holman, attorney, represented the employer. The administrative law judge admitted Department's Exhibit 1 and Claimant's Exhibits A-N as evidence

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The administrative law judge concludes Mr. Stratton is eligible for REGULAR (state) UI benefits based on how his job ended with this employer.

## FINDINGS OF FACT

The decision in this case rests, in part, on the credibility of the witnesses. It is the duty of the administrative law judge as the trier of fact, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the administrative law judge may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's conduct, age, intelligence, memory and knowledge of the facts; the witness's interest in the trial, and the witness's motive, candor, bias and prejudice. *Id.*

The following findings of fact show how the administrative law judge has resolved the disputed factual issues in this case. The administrative law judge assessed the credibility of the witnesses, considered the applicable factors listed above, and used his own common sense and experience.

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Stratton began working for the employer in June 2023. He worked as a full-time project manager. His employment ended on September 19, 2025.

On Thursday, September 18, 2025, Mr. Stratton requested time off the following week to care for his sick child. On Friday, September 19, Mr. Thippen granted the request and directed Mr. Stratton to train another employee to cover the project manager work tasks during Mr. Stratton's absence. Mr. Stratton trained the other employee. Soon thereafter Mr. Thippen gave Mr. Stratton a termination letter. The letter listed four reasons the employer terminated Mr. Stratton's employment: 1) incorrect order of material in September 2025, 2) failure to remain at work during business hours, 3) lack of oversight for having employee working on a project that was not part of the employer's contract, and 4) an unacceptable conduct for a comment the employer alleged Mr. Stratton made in June 2025. The employer had never disciplined Mr. Stratton prior to terminating his employment.

## CONCLUSION OF LAW

For the reasons that follow, the administrative law judge concludes the employer discharged Mr. Stratton from employment on September 19, 2025 for a reason that does not disqualify him from receiving UI benefits.

Iowa Code section 96.5(2)(a) and (d) provide, in relevant part:

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.

d. For the purposes of this subsection, "misconduct" means a deliberate act or omission by an employee that constitutes a material breach of the duties and obligations arising out of the employee's contract of employment. Misconduct is limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

The employer has the burden of proof in establishing disqualifying job misconduct. See Iowa Code section 96.6(2). The issue is not whether the employer made a correct decision in separating Mr. Stratton from employment, but whether he is entitled to UI benefits. *Infante v. Iowa Dept. of Job Serv.*, 364 N.W.2d 262, 264 (Iowa Ct. App. 1984). Misconduct must be substantial to warrant a denial of job insurance benefits.

In an at-will employment environment an employer may discharge an employee for any number of reasons or no reason at all, if it is not contrary to public policy. But, if the employer fails to meet its burden of proof to establish job related misconduct as the reason for the separation, the employer incurs potential liability for UI benefits related to that separation. A decision about whether an




employee's act is misconduct does not rest solely on the interpretation or application of the employer's policy or rule. A violation of the employer's policy or rule is not necessarily disqualifying misconduct even if the employer was fully within its rights to impose discipline up to, or including, discharge for the incident under its policy.

An employee is entitled to fair warning that the employer will no longer tolerate certain performance and/or conduct. Without fair warning, an employee has no reasonable way of knowing they need to make changes to keep their job. If an employer expects an employee to conform to certain expectations or face discharge, appropriate (preferably written), detailed, and reasonable notice should be given. Training or general notice to staff about a policy is not considered a disciplinary warning.

In this case, the employer ended Mr. Stratton's employment with no prior warning. Mr. Thippen testified that for about two months before the employer terminated Mr. Stratton's employment, Mr. Thippen noticed Mr. Stratton leaving working at about 11:00 a.m. and not returning. Mr. Thippen also testified that for the last week of Mr. Stratton's employment Mr. Thippen noticed Mr. Stratton leaving working about 15 minutes after he arrived not returning. Yet, Mr. Thippen took no action before ending Mr. Stratton's employment. The employer also never disciplined Mr. Stratton for any of the other issues listed in the termination letter before terminating his employment. The employer did what was in its best interest, but the employer has not established disqualifying, job-related misconduct on the part of Mr. Stratton. Mr. Stratton is eligible for UI benefits.

#### **DECISION/REMAND**

The October 3, 2025 disqualifying separation determination is REVERSED. The employer discharged Mr. Stratton from employment on September 19, 2025 for a reason that does not disqualify him from receiving UI benefits. Mr. Stratton is eligible for REGULAR (state) UI benefits, as long as no other decision denies him UI benefits.



Daniel ZENO

Administrative Law Judge

Iowa Department of Inspections, Appeals, & Licensing

Administrative Hearings Division

Unemployment Insurance Appeals Bureau

**Please see the last page of this document for important information about reopening the appeal and further appeal rights.**



## INSTRUCTIONS FOR FILING AN APPEAL

If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, IA 50321  
Fax: (515)281-7191  
Online: IowaWORKS account

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

1. A reference to the decision from which the appeal is taken.
2. That an appeal from such decision is being made and such appeal is signed.
3. The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code 17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17a.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Iowa Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while the appeal is pending, to protect your continuing right to benefits.

### SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.



## **Babel Notice – Claim and Appeal Information**

**Aviso:** Aviso: Documento De Beneficios Del Seguro De Desempleo  
Y Información De Apelación

### **IMPORTANT!**

This document contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. **DEADLINE FOR APPEAL:** If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document. **IMMEDIATELY:** If needed, call 866-239-0843 for assistance in the translation and understanding of the information in the document(s) you have received.

### **¡IMPORTANTE!**

Este documento contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento. **PLAZO LÍMITE PARA APELAR:** Si usted está en desacuerdo con esta determinación o decisión, debe presentar una apelación antes del plazo límite indicado en este documento. **INMEDIATAMENTE:** Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al 866-239-0843.

### **重要提示！**

这份文件包含有关失业补偿的权利、责任和/或利益的重要信息。您需要理解本文件中的信息，这一点至关重要。

**上诉截止日期：**如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。**立即：**如果需要，请拨打866-239-0843，可获得帮助，以利您翻译和理解所收到的文件中的信息。

### **IMPORTANT!**

Ce document contient des informations importantes sur vos droits d'allocation de chômage, vos responsabilités et/ou vos bénéfices. Il est indispensable que vous compreniez le contenu de ce document. **DATE LIMITE POUR FAIRE APPEL:** Si vous n'êtes pas d'accord avec cette détermination ou décision, vous devrez faire un appel avant la date limite signalée dans ce document. **IMMÉDIATEMENT:** Si nécessaire, téléphonez au 866-239-0843 pour avoir de l'assistance sur la traduction et/ou la compréhension de ce document.

### **WICHTIG!**

Diese Dokument enthält wichtige Hinweise zu ihren Rechten, Pflichten bzw. Leistungen im Rahmen der Arbeitslosenunterstützung. Es ist entscheidend, dass Sie die Informationen in diesem Dokument verstehen. **FRIST ZUR BESCHWERDEEINLEGUNG:** Wenn Sie mit der Feststellung oder Entscheidung nicht einverstanden sind, müssen Sie vor Ablauf der in diesem Dokument aufgeführten Frist eine Beschwerde einlegen. **SOFORT:** Sofern erforderlich, rufen Sie die Telefonnummer 866-239-0843 an und erkundigen sich nach Hilfsdiensten bei der Übersetzung und zum Verständnis der Informationen in dem (den) von Ihnen erhaltenen Dokument(en).

### **IMPORTANTE!**

Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

### **IMPORTANTE:**

Questo documento contiene informazioni importanti sui Suoi diritti di indennizzo di disoccupazione, sulle sue responsabilità e i suoi benefit. E' cruciale che Lei comprenda appieno le informazioni contenute in questo documento. **SCADENZA PER IL RICORSO:** Se non si trova in accordo con questa determinazione o decisione, dovrà presentare ricorso prima della scadenza riportata nel presente documento. **INMEDIATAMENTE:** In caso di necessità chiami il 866-239-0843 per assistenza alla traduzione e comprensione delle informazioni contenute nei documenti ricevuti.

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Tài liệu này chứa đựng tin tức quan trọng về quyền hạn, trách nhiệm và/hoặc những lợi lộc được đền bù trong khi thất nghiệp. Đó là điều tối cần thiết mà quý vị phải hiểu rõ những tin tức trong tài liệu này. **HẠN CHÓT KHIẾU NẠI:** Nếu quý vị không đồng ý với quyết định này, quý vị phải nộp đơn khiếu nại trước hạn chót ghi rõ trong tài liệu này. **MỘT CÁCH NHANH CHÓNG:** Nếu cần xin hãy gọi số 866-239-0843 để được giúp đỡ trong việc phiên dịch và hiểu rõ những tin tức trong tài liệu quý vị đã nhận.

### 중요!

이 문서는 실업보상 권리, 책임 및/또는 혜택에 대한 중요한 정보가 포함되어 있습니다. 이 문서에 있는 정보를 이해 하는 것은 매우 중요합니다. **항소 마감:** 이 결정에 이견이 있으시면 항소인은 문서에 언급된 마감일 전에 항소를 제기하셔야 합니다. **즉시:** 받으신 문서의 번역 및 이해를 위해서 도움이 필요하시면 866-239-0843 로연락을 하시기 바랍니다.

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### هام!

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