

Absent with no excuse? That's willful misconduct

Employees who are fired for willful misconduct aren't eligible for unemployment compensation. Not following the employer's call-off rules is willful misconduct and may bar benefits.

Recent case: Barbara was on FMLA leave for several days after a foot injury. Her doctor then cleared her for work. Instead of showing up on the appointed day, she called off again.

She was warned that company rules required a medical excuse for absences. Still, for nine days straight, she called off but didn't provide a doctor's note. The company fired her for not providing the note.

She tried to get unemployment compensation benefits, but her claim was rejected. When she appealed, the court found her refusal to provide a doctor's note was willful misconduct, justifying denial of the benefits. (*Pascoe v. Unemployment Compensation Board of Review*, No. 1613 CD 2014, Commonwealth Court, 2015)