

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEREMY E JAMESON**  
Claimant

**APPEAL NO: 12A-UI-13440-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMVC EMPLOYEE SERVICES LLC**  
Employer

**OC: 10/14/12**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(2)a - Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a representative's November 2, 2012 determination (reference 02) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had been discharged for disqualifying reasons. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds the claimant qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working full time for the employer in December 2011. On October 14, the claimant was at work when his wife received information from law enforcement official there had been a car accident in Council Bluffs. There had been three occupants in the car and one person had been killed. The law enforcement officials did not tell the claimant's wife who had been killed.

The claimant's daughter and her boyfriend were in Council Bluffs. The claimant's wife did not know if the claimant's daughter had been involved in the accident, was hurt, or had been killed. After receiving a phone call from his wife, the claimant asked his supervisor if he could leave work early so he could go to Council Bluffs to find out if his daughter had been in the accident. The claimant's supervisor gave the claimant permission to leave work early and to come back to work on Wednesday.

After the claimant and his wife went to Council Bluffs, they learned their daughter had not been involved in the accident, but her boyfriend had been in the car and had not survived. The claimant returned to work on October 17. His supervisor discharged the claimant after concluding the claimant had lied to him on Sunday. The claimant's supervisor understood the claimant needed to leave work early on Sunday because his daughter had died. The claimant tried to explain the situation or misunderstanding to his supervisor, but the supervisor would not listen. Prior to October 17, the claimant did not believe his job was in jeopardy.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. *Cosper v. Iowa Department of Job Service*, 321 N.W.2d 6 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. *Lee v. Employment Appeal Board*, 616 N.W.2d 661, 665 (Iowa 2000).

The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. An intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

Based on the evidence presented during the hearing, the employer may have had business reasons for discharging the claimant. The employer did not establish that the claimant committed work-connected misconduct. As of October 14, 2012, the claimant is qualified to receive benefits.

**DECISION:**

The representative's November 2, 2012 determination (reference 02) is reversed. The employer discharged the claimant, but did not establish that the claimant committed work-connected misconduct. As of October 14, 2012, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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