

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHARI L CRAVEN WEBB**

Claimant

**IA DEPT OF JUDICIAL ADMINISTRATION**

Employer

**APPEAL 22A-UI-09609-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/13/22**

**Claimant: Appellant (2)**

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Iowa Code § 96.5(2)a – Discharge from Employment

**STATEMENT OF THE CASE:**

On April 16, 2022, claimant Shari L. Craven-Webb filed an appeal from the April 7, 2022 (reference 03) unemployment insurance decision that denied benefits based on a determination that claimant was discharged from employment for failing to perform satisfactory work when capable of doing so. The parties were properly notified of the hearing. A telephonic hearing was held at 2:00 p.m. on Tuesday, May 31, 2022. The claimant, Shari L. Craven-Webb, participated. The employer, Iowa Department of Judicial Administration, sent in notice that it would not be participating in the hearing. Claimant's Exhibits A and B were received and admitted into the record without objection.

**ISSUE:**

Was the claimant discharged from employment for disqualifying, job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was hired by the Iowa Department of Judicial Administration on April 4, 2021. She worked full-time hours, most recently as a secretary 1 for the Iowa Court of Appeals. Claimant's employment ended on March 8, 2022, when she was discharged for a proofreading error.

The final incident leading to the end of claimant's employment involved missing punctuation on cover sheets. This was not an intentional decision; rather, claimant had made a mistake. She had been warned once before for making a mistake after she missed putting something on a filing. After that error, Chief Judge Bower put her on a performance improvement plan and checked in with her on a weekly basis to ensure she was not making errors.

Claimant knows that other employees also made mistakes in their work. She does not believe they were subjected to the level of scrutiny that she herself experienced. Claimant believes she received negative attention from Chief Judge Bower and from Human Resources because she had disclosed to them that she had disabilities that may be adversely affecting her.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided claimant is otherwise eligible.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being 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. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

This definition of misconduct has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. *Reigelsberger v. Emp't Appeal Bd.*, 500 N.W.2d 64, 66 (Iowa 1993); accord *Lee v. Emp't Appeal Bd.*, 616 N.W.2d 661, 665 (Iowa 2000). The employer has the burden of proof in establishing disqualifying job misconduct. *Cosper v. Iowa Dep't of Job Serv.*, 321 N.W.2d 6 (Iowa 1982).

Iowa Admin. Code r. 871-24.32(4) provides:

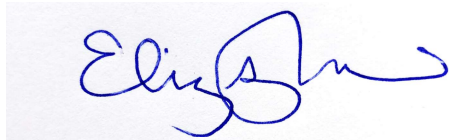
(4) Report required. The claimant's statement and the employer's statement must give detailed facts as to the specific reason for the claimant's discharge. Allegations of misconduct or dishonesty without additional evidence shall not be sufficient to result in disqualification. If the employer is unwilling to furnish available evidence to corroborate the allegation, misconduct cannot be established.

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

Here, the employer did not provide any evidence that claimant engaged in any behavior amounting to disqualifying misconduct. Claimant made two simple mistakes during eleven months of employment, which does not amount to an intentional or substantial disregard of the employer's interests. As the employer has failed to meet its burden of proof in establishing misconduct, benefits are allowed.

**DECISION:**

The April 7, 2022 (reference 03) unemployment insurance decision is reversed. Claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid



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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

June 24, 2022  
Decision Dated and Mailed

lj/lj