

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 – EI

**CHRISTINA M BEYER**  
Claimant

**APPEAL NO: 11A-UI-14677-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GREYSTONE MANUFACTURING LLC**  
Employer

**OC: 06/05/11  
Claimant: Appellant (2)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 10, 2011 determination (reference 06) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the hearing. Marilyn Crawford, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, 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 had been working as a temporary employee for the employer. On September 12, 2011, the employer hired the claimant as a full-time back dock employee in the shipping department. Crawford supervised the claimant.

Prior to September 29, 2011, the claimant's job was not in jeopardy. On September 29, the claimant was very busy. The claimant went into the office because a shipping order was not clear. The claimant talked to an office employee about problems with an order. The claimant talks loudly and her voice was louder than normal because she was very busy and frustrated. Crawford was on the phone when the claimant came into the office. Crawford did not appreciate the claimant yelling at an office employee and blaming office personnel for making her job more difficult.

After Crawford finished her phone call, she went out to talk to the claimant. The claimant was still upset when Crawford told her to calm down and take a deep breath. Instead of calming down, the claimant and Crawford engaged in a verbal confrontation. The claimant was upset in part because the office used sticky notes on orders that someone had taken off an order. This made the claimant's job more difficult and frustrating. The claimant tried to talk to Crawford about problems with sticky notes. Crawford responded that it was not the claimant's job to tell her how to do her job. During the verbal sparring, Crawford did not appreciate the claimant

blaming other employees, quality inspectors, for making her job harder because they were not doing their job. Finally Crawford told the claimant to punch out and leave and the claimant did. The claimant understood Crawford told her to punch out and go home because they were both upset and needed time to calm down. The claimant reported to work the next day as scheduled. She then learned Crawford had discharged her for what had occurred the day before.

The claimant established a claim for benefits during the week of June 5, 2011. She reopened her claim during the week of October 16, 2011.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her 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).

For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is 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 are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

When the claimant went to the office, she was frustrated because she was very busy and did not have the necessary information to load a truck. The fact the claimant engaged in an isolated verbal confrontation with Crawford does not rise to the level of work-connected misconduct. The claimant used poor judgment when she was upset, blamed other employees for making her job harder and verbally sparred with Crawford.

During the claimant's current benefit year, the employer's account will not be charged.

**DECISION:**

The representative's November 10, 2011 determination (reference 06) is reversed. The employer discharged the claimant for business reasons but the claimant did not commit work-connected misconduct. As of October 16, 2011, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs