

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAKE L CALLAWAY
Claimant

APPEAL NO. 11A-UI-13891-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TPI IOWA LLC
Employer

**OC: 10/02/11
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 19, 2011, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on November 17, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Danielle Williams participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full-time as a manufacturing associate from November 15, 2010, to September 26, 2011.

On September 24, 2011, the claimant's supervisor asked him if he wanted to do a grinding job. The claimant was suffering from a rash that was aggravated by grinding. He had filed a workers' compensation report regarding this and his supervisor knew this. The claimant told the supervisor that he was trying to avoid doing any grinding. The supervisor then walked away and the claimant continued to do his job.

On September 26, the supervisor told the claimant that he had written him up for insubordination as a result of his declining to do the grinding job. The supervisor asked the claimant to sign the warning. The claimant told the supervisor that he wouldn't sign the warning, because he did not agree with it. The supervisor told him that he did not have to sign it but it was going in his file. The claimant said he wanted to talk to another manager about the matter.

The claimant was taken to the human resources office and was again asked to sign the document. He told the supervisors that he did not want to sign it because he didn't want to admitted to something that wasn't true. The human resources representative then told the claimant that they were going to have to part ways and he was discharged.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent, or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

In *Green v Iowa Department of Job Service*, 299 N.W.2d 651 (Iowa 1980), the Iowa Supreme Court ruled that failure to acknowledge the receipt of a written reprimand by signing it constitutes work-connected misconduct as a matter of law. The *Green* case, however, is distinguishable on the facts. In *Green*, the claimant knew signing the reprimand was merely acknowledging receipt of it and her supervisor warned her that she would be discharged if she did not sign it. In this case, the claimant was not informed that his signature was an acknowledgement of receipt of the warning or that a refusal to sign would jeopardize his employment. In fact, his supervisor told him that he did not have to sign it. Consequently, the claimant's failure to sign the document was not a willful act or omission constituting a material breach of his duties and obligation to the employer. No insubordination has been proven.

DECISION:

The unemployment insurance decision dated October 19, 2011, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw