

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAVID W BRIGHTON
Claimant

CITYWIDE CLEANERS INC
Employer

APPEAL 21A-UI-01609-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (2R)

Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

On December 28, 2020, claimant David W. Brighton filed an appeal from the December 21, 2020 (reference 03) unemployment insurance decision that denied benefits based upon a determination that claimant was discharged from employment for conduct not in the best interest of the employer. The parties were properly notified of the hearing. A telephonic hearing was held on February 22, 2021. The claimant, David W. Brighton, participated. The employer, Citywide Cleaners, Inc., did not register a participant and did not participate in the hearing. The administrative law judge took official notice of the administrative record.

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 employed full time, most recently as a customer service manager, from November 5, 2019, until April 14, 2020, when he was discharged.

When the pandemic hit in March 2020, the employer's business essentially dropped to zero. John Albert, the business owner, called claimant into his office and told him that they needed to lay off employees and keep just a minimum base crew to keep the business running. On March 21, 2020, claimant communicated this to staff.

On or about April 14, 2020, one of the employees that claimant laid off called the business and spoke to both John and John's wife. She was upset because she did not have any money, and she was seeking some back pay. After John and his wife talked to her, John called claimant into the office and told him, "You don't handle employees very well." John gave claimant the option of resigning or being discharged. Claimant opted to be discharged, as he did not believe he had done anything wrong.

Claimant had repeated issues with John in the past involving disagreements over how to handle employees. However, claimant was not aware his job was in jeopardy. He had never received

any warnings or other notices that he needed to improve his performance in order to retain his employment.

Claimant has worked multiple positions since separating from this employer, including part-time mowing positions and positions coaching golf. He has sporadically reported income when filing his weekly continued claims for benefits.

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 he 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 has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. *Huntoon v. Iowa Dep't of Job Serv.*, 275 N.W.2d 445, 448 (Iowa 1979).

In an at-will employment environment an employer may discharge an employee for any number of reasons or no reason at all if it is not contrary to public policy, but if it 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, there is no

evidence in the record to establish that claimant engaged in the type of misconduct that would disqualify him from receiving unemployment insurance benefits. Disagreeing with your employer over how to handle a personnel issue, without more, is not misconduct. Benefits are allowed, provided he is otherwise eligible.

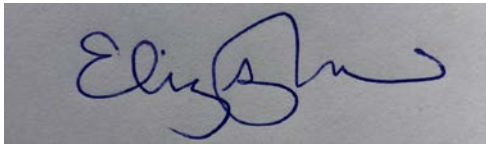
The issue of whether claimant has been able to work and available for work since opening his claim is remanded to the Benefits Bureau for determination.

DECISION:

The December 21, 2020 (reference 03) unemployment insurance decision is reversed. Claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

REMAND:

The issue of whether claimant has been able to work, available for work, and actively and earnestly seeking work since opening his claim for benefits is remanded to the Benefits Bureau of Iowa Workforce Development for initial investigation and determination.

A rectangular box containing a handwritten signature in blue ink. The signature appears to be "Elizabeth A. Johnson" written in a cursive style.

Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

March 3, 2021
Decision Dated and Mailed

lj/scn