

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JEREMY P KNUTSON
422 W SHORT ST #4
WINTERSET IA 50273

NOBLE FORD-MERCURY INC
PO BOX 579
INDIANOLA IA 50125

Appeal Number: 05A-UI-03368-CT
OC: 02/27/05 R: 03
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Jeremy Knutson filed an appeal from a representative's decision dated March 25, 2005, reference 01, which denied benefits based on his separation from Noble Ford-Mercury, Inc. (Noble). After due notice was issued, a hearing was held by telephone on April 19, 2005. Mr. Knutson participated personally. The employer participated by Brian Charron, Collision Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Knutson was employed by Noble from June 9, 2003 until

March 2, 2005 as a full-time estimator. His primary job responsibility was to write repair estimates and forward them to insurance companies for approval before repairs were made. He was also responsible for keeping customers informed of the progress on their repairs. Mr. Knutson was discharged because he did not always follow the correct procedure for processing paperwork. When problems or failures were brought to his attention, he corrected them. He had received verbal warnings that he needed to always follow the proper steps for obtaining approval for repairs.

The employer discovered additional problems after the verbal warning. When questioned, Mr. Knutson indicated that he was overwhelmed by the amount of work and sometimes forgot to perform certain steps in his job. Because of problems with the sequence of his paperwork and because of his failure to always keep customers aware of the status of their repairs, Mr. Knutson was discharged on March 2, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Knutson was separated from employment for any disqualifying reason. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Knutson was discharged because he did not always do his paperwork correctly and because he did not always keep customers aware of the status of vehicle repairs. The administrative law judge does not believe he deliberately or intentionally failed to meet the employer's standards. His failures resulted from having to do more things than he was capable of handling and not from a willful or wanton disregard of the employer's standards or interests. The administrative law judge is satisfied that Mr. Knutson was at all times working to the best of his abilities.

While the employer may have had good cause to discharge, conduct which might warrant a discharge from employment will not necessarily sustain a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa App. 1983). For the reasons stated herein, the administrative law judge concludes that the employer has failed to establish disqualifying misconduct as that term is defined by the Iowa Employment Security Law. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated March 25, 2005, reference 01, is hereby reversed. Mr. Knutson was discharged by Noble but disqualifying misconduct has not been established. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/pjs