

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHARLES M HOUSKINS
Claimant

APPEAL NO. 14A-UI-09980-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON PREPARED FOODS INC
Employer

OC: 08/24/14
Claimant: Appellant (2)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 22, 2014, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on October 16, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked for the employer as a utility worker from January 2012 to August 26, 2014. On August 26 the claimant had to take a bathroom break. He was taking medication with a side effect of frequent urination. The claimant's supervisor later approached the claimant and asked him why he had not informed the team leader when he went to the bathroom. The claimant responded that the team lead was outside of the work area.

About an hour later, the claimant approached the team leader and asked him if he could take a bathroom break. The team leader apparently have been questioned by the supervisor about being outside of the work area. He started yelling at the claimant about why he had reported to the supervisor the fact that the team leader was outside of the work area. The claimant did not respond, but instead just stood there with his hands in the air in bewilderment regarding the team leader's reaction. He did not yell at the team leader or act aggressively toward him. Another employee told the claimant to leave the floor and the claimant followed that instruction.

The employer discharged the claimant because of the situation that occurred between the claimant and the team leader.

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).

No willful and substantial misconduct has been proven in this case. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

DECISION:

The unemployment insurance decision dated September 22, 2014, 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/can