

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MIKE A MORTON**  
Claimant

**APPEAL NO. 13A-UI-09521-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ENTECEE INC**  
Employer

**OC: 06/02/13**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 16, 2013, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on September 23, 2013. 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 employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant was hired to work for Case Equipment as a welding supervisor on a temp-to-hire basis starting July 23, 2012. He was told that he was on a six-month contract during which Case would decide whether to hire him as an employee.

After six months, the claimant inquired about whether he would be hired but was told there were no openings for welding supervisors. He then started making inquiries about openings on the agricultural equipment side of the business. He contacted corporate human resources to see what was holding up his being hired. Afterward, a supervisor informed the claimant that he wanted the claimant to stay on the construction equipment side but employed by the staffing company. The claimant was upset because working for the staffing company involved less pay and no benefits, so he told the supervisor and human resources that he considered the supervisor to be unethical and he was going to call the ethics hotline.

After this conversation, the employer terminated the claimant's employment on July 17, 2013, for alleged insubordination.

The claimant filed a new claim for unemployment insurance benefits effective June 2, 2013, due to a one-week layoff. He filed an additional claim for benefits in July 2013, after 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).

No willful and substantial misconduct has been proven in this case.

**DECISION:**

The unemployment insurance decision dated August 16, 2013, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css