

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROEL E DEBRUYN
Claimant

AMERICOLD LOGISTICS LLC
Employer

APPEAL NO. 14A-UI-05533-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/04/14
Claimant: Appellant (2)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 27, 2014, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on June 19, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Emily Yont participated in the hearing on behalf of the employer with witnesses, David Campbell and Eltena Collins. Exhibits One through Three were admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a forklift operator from September 19, 2011, to May 7, 2014. He was informed and understood that under the employer's work rules, falsification of company documents was grounds for discipline.

On May 6, 2014, the claimant was asked by a lead driver to load a trailer. He had not loaded many trailers before and was not familiar with turning on the cooling unit or filling out the outbound paperwork. He asked the lead driver about filling out the paperwork, and specifically the "unit set point," which is the temperature that the cooling unit was set at. He was told to put in "36" for 36 degrees. The claimant did what he was told and recorded "36" for the unit set point. But because the cooling unit was not turned on, the temperature in the trailer was 72 degrees when the driver was ready to leave. The claimant did not willfully falsify any records, but the employer considered his writing "36" in the unit set point blank and discharged him on May 7, 2014.

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).

The employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Iowa Code § 96.6-2; Cosper v. Iowa Department of Job Service, 321 N.W.2d 6, 11 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to substantial and willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. Lee v. Employment Appeal Board, 616 N.W.2d 661, 665 (Iowa 2000).

No willful and substantial misconduct has been proven in this case. At most the evidence shows an isolated incident of negligence not rising to the level of work-connected misconduct in culpability.

DECISION:

The unemployment insurance decision dated May 27, 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/pjs