

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARRYL L LILES

Claimant

APPEAL NO. 09A-UI-08801-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP

Employer

**Original Claim: 05/10/09
Claimant: Respondent (1)**

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Cargill Meat Solutions Corporation (Cargill) filed an appeal from a representative's decision dated June 11, 2009, reference 01, which held that no disqualification would be imposed regarding Darryl Liles' separation from employment. After due notice was issued, a hearing was held by telephone on July 7, 2009. Mr. Liles participated personally. The employer participated by Rachel Watkinson, Human Resources Associate.

ISSUE:

At issue in this matter is whether Mr. Liles was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Liles was employed by Cargill from January 22, 2008 until May 11, 2009 as a full-time production worker. He was discharged based on an allegation that he failed to carry out instructions from his supervisor on May 11.

Mr. Liles was directed to move two pallets of product to a specified area. He told the supervisor that technical services told him not to put anymore product in that location so they could get to the conveyor belt. He and another fork truck driver then proceeded to move the two pallets, each taking one. Mr. Liles did not refuse to move the product. He did not have any history of disobeying directives from his supervisor. The above matter was the sole reason for the discharge.

REASONING AND CONCLUSIONS OF LAW:

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). The employer contended that Mr. Liles' discharge was caused by his willful failure to follow instructions from his supervisor. However, this contention was not

established by the evidence. The employer did not present testimony or evidence from the supervisor who gave the directive. Mr. Liles was credible in his testimony that he did move the product as directed after advising his supervisor of what technical services had told him.

The employer failed to establish that Mr. Liles deliberately and intentionally acted in a manner that was contrary to the employer's interests or standards. The evidence failed to establish that he refused to follow instructions. For the above reasons, it is concluded that disqualifying misconduct has not been established. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated June 11, 2009, reference 01, is hereby affirmed. Mr. Liles was discharged, but misconduct has not been established. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw