

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRITTANY K FARRAND**  
Claimant

**APPEAL NO. 13A-UI-06887-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PILOT TRAVEL CENTERS LLC**  
Employer

**OC: 05/12/13**  
**Claimant: Respondent (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The employer, Pilot Travel Centers LLC (Pilot), filed an appeal from a decision dated May 31, 2013, reference 01. The decision allowed benefits to the claimant, Brittany Farrand. After due notice was issued a hearing was held by telephone conference call on July 11, 2013. The claimant participated on her own behalf. The employer participated by General Manager Jay Heine.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Brittany Farrand was employed by Pilot from November 2012 until February 2013 as a part-time cashier. On December 27, 2012, Ms. Farrand notified her shift leader, Georgia, her doctor had taken her off work due to high-risk pregnancy. The medical leave was initially granted.

In early January 2013, the claimant notified the general manager, Greg, her doctor had taken her off work until she delivered her baby, which would not be until May. Sometime in February 2013, Ms. Farrand received a letter from someone at Pilot which notified her she had been terminated.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

It is apparent the claimant did not quit but was dismissed by the employer. Neither party could give adequate information or details about the events but it appears Ms. Farrand was discharged while she was on an approved medical leave of absence and not yet able to return to work. This is not misconduct and disqualification may not be imposed.

**DECISION:**

The representative's decision of May 31, 2013, reference 01, is affirmed. Brittany Farrand is qualified for benefits, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs