

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBIN L CRAWFORD
Claimant

APPEAL NO. 13A-UI-02151-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLSTEEL INC
Employer

OC: 01/13/13
Claimant: Appellant (2)

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The claimant, Robin Crawford, filed an appeal from a decision dated February 15, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 20, 2013. The claimant participated on her own behalf. The employer, Allsteel, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Robin Crawford was employed by Allsteel from December 2005 until December 17, 2012 as a full-time production worker. In May 2012 she requested, and was granted, a personal leave of absence to care for her husband who was ill. The employer will allow a personal leave of absence in 12-week increments for up to a year, but the leave request must be renewed, and re-granted, every 12 weeks.

Ms. Crawford renewed the leave in July and October 2012. When she contacted her supervisor, Jason Mucciarone on December 14, 2012, to renew the leave through January 2013, he said he would have to consult with someone else and would let her know. On December 17, 2012, he called Ms. Crawford and said she was being discharged.

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.

The claimant was discharged when the employer declined to grant another extension on her leave of absence. Her husband was still in need of care and she was not able to return to work at that time. This does not constitute misconduct and disqualification may not be imposed.

DECISION:

The representative's decision of February 15, 2013, reference 01, is reversed. Robin Crawford is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/tll