

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**HAROLD J RUGGLES
3002 JEFFERSON
DES MOINES IA 50310**

**FAWN MANUFACTURING INC
PO BOX 1333
DES MOINES IA 50305**

**JOSEPH WALSH
ATTORNEY AT LAW
840 - 5TH AVE
DES MOINES IA 50309 1307**

**Appeal Number: 05A-UI-03538-DW
OC: 03/13/05 R: 02
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Harold J. Ruggles (claimant) appealed a representative's April 1, 2005 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Fawn Manufacturing, Inc. (employer) would not be charged because the claimant had been discharged for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, an in-person hearing was held in Des Moines on April 27, 2005. On April 26, the employer informed the Appeals Section that the employer would not be participating in the hearing. The claimant appeared for the hearing with his attorney, Joseph Walsh. Craig Martin and Phil Clark appeared with the claimant as potential witnesses. During the hearing, Claimant's Exhibit A (copy of Plant Rules and Regulations) was offered and admitted as evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the business in March 1973. The claimant started working for Fawn Engineering Corporation and the employer took over in 2004. The past two years, the claimant worked for the employer as a full-time inspector. The claimant's most recent supervisor was Scott Burns. Burns had been the claimant's supervisor for the last two months.

During his employment as an inspector, the claimant received a written warning in the fall of 2004 for failing to meet the employer's quality requirements. After the claimant checked the angle of a part that an employee asked him to do, the claimant did not check anything else on the part. The claimant did not understand that he should have checked the rest of the part at that time. While the angle of the part was correct after the claimant checked it, the measurements on the part were not correct. The employer gave the claimant a written warning for failing to check all aspects of the part when he checked the angle.

Even though the claimant received a written warning for not meeting the employer's quality standards, he had no idea his job was in jeopardy. The claimant understood that before the employer would discharge a longtime employee for unsatisfactory job performance, the employer would give the employee an opportunity to bid on another job that was not as demanding. As the union president, the claimant did not know of any employee who had been discharged for failing to meet the employer's quality standards.

On February 28, 2005, the claimant made a mistake and did not see a defective part that he passed when completing the inspection. When the employer discovered this error on February 28, 2005, the employer suspended the claimant. On March 1, 2005, the employer discharged the claimant for again failing to meet the employer's quality standards.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a. The employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (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 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).

For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence

or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

The employer may have had business reasons for discharging the claimant. Even though the claimant did not meet all of the employer's quality standards, there is no evidence that he intentionally failed to do his job. The facts reveal the claimant performed his job to the best of ability, which unfortunately did not meet the employer's standard. The evidence does not establish that the claimant committed work-connected misconduct. As of March 13, 2005, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's April 1, 2005 decision (reference 01) is reversed. The employer discharged the claimant for business reasons that do not constitute work-connected misconduct. As of March 13, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/sc