

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CLINT E CARTER**

Claimant

**APPEAL NO. 07A-UI-05831-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**

Employer

**OC: 04/29/07 R: 03  
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 May 29, 2007, reference 01, which held that no disqualification would be imposed regarding Clint Carter's separation from employment. After due notice was issued, a hearing was held by telephone on June 28, 2007. Mr. Carter participated personally and was represented by Philip Miller, Attorney at Law. The employer participated by Melissa Skinner, Assistant Human Resources Manager.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Carter began working for Cargill on September 8, 1999 as a full-time production worker. He was off work on a medical leave of absence beginning March 2, 2007. He was released to return to work on April 16 with restrictions. The employer found work to accommodate his restrictions. Mr. Carter was fully capable of performing the work assigned to him as of April 16.

On April 26, 2007, the employer decided that it would no longer accommodate Mr. Carter's restrictions. The employer determined that his condition was not work-related and therefore, in accordance with company policy, his condition would not be accommodated. He was told he could return to work when he received a complete release. As of the date of the hearing, Mr. Carter had not been released to full duty.

**REASONING AND CONCLUSIONS OF LAW:**

The employer initiated Mr. Carter's separation from employment on April 26, 2007. He had returned to full-time work on April 16 and was performing the assigned work. Since he returned to work and was provided suitable, comparable work following his medical leave of absence, the

administrative law judge concludes that the provisions of Iowa Code section 96.5(1)d are not applicable. The decision to end the employment on April 26 was Cargill's, not Mr. Carter's. For the above reasons, the separation is considered a discharge.

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 only reason for Mr. Carter's discharge was the fact that the employer decided to discontinue accommodating his medical restrictions. The decision was not based on any misconduct on his part. As such, there is no basis for disqualification from benefits.

**DECISION:**

The representative's decision dated May 29, 2007, reference 01, is hereby affirmed. Mr. Carter was discharged by Cargill but misconduct has not been established. Benefits are allowed, provided he satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs