

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PETE PARSYPO**  
Claimant

**APPEAL NO. 10A-UI-07459-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**  
Employer

**OC: 04/25/10**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

Pete Parsypo appealed an unemployment insurance decision dated May 18, 2010, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on July 12, 2010. The parties were properly notified about the hearing. The Parsypo participated in the hearing. No one participated in the hearing on behalf of the employer.

**ISSUE:**

Was Pete Parsypo discharged for work-connected misconduct?

**FINDINGS OF FACT:**

Pete Parsypo worked full-time as a skinner on the kill floor from July 26, 1996, to April 26, 2010. His wife also worked in the same area, but in a different job.

His wife was constantly being subjected to name calling and other harassment by another employee on the kill floor. He used extreme profanity toward her. She had complained to management several times. Parsypo also complained to his supervisor about the employee's harassment. The supervisor said he would take care of the matter and report it to his superior. Parsypo also spoke to the employee and emphasized they needed to work together as a team. Nothing changed and the employee kept harassing Parsypo's wife.

On April 26, 2010, the employee punctured the air hose attached to the air gun Parsypo's wife was using. She reported what the employee had done to management. Afterward, the employee directed profanity and insults at Parsypo's wife. Parsypo was angry at this unprovoked verbal attack at his wife and frustrated the employer had not handled the problem. He grabbed the employee's shirt and told him that he needed to knock it off and there was no reason for him to treat his wife that way. He let go of the employee, and nothing further happened.

The employer discharged Parsypo for his conduct on April 26, 2010. Parsypo had no prior issues regarding his work performance or conduct.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether Parsypo was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code section 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The employer has the burden to prove a 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 substantial and 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).

The employer has failed to meet its burden to prove Parsypo committed work-connected misconduct as defined by the law, under the circumstances here.

**DECISION:**

The unemployment insurance decision dated May 18, 2010, reference 01, is reversed. Pete Parsypo is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs