

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFERY J ROY
Claimant

APPEAL NO: 14A-UI-12014-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

OC: 10/19/14
Claimant: Appellant (1)

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 14, 2014 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had been discharged for disqualifying reasons. The claimant participated at the December 10 hearing with Brian Ulin, a union representative. Darren Reglin, the general foreman on the harvest floor, and Jeimy Stanley, a human resource generalist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer in August 2009. He worked as a full-time hog pusher. The employer had problems with not having enough qualified hog pushers at times. To resolve this issue, Reglin personally talked to the claimant and other qualified hog pushers and the union and explaining that qualified hog pushers could not leave work early unless there were four qualified hog pushers still at work.

Prior to October 21, 2014, the claimant's job was not in jeopardy. The claimant knew he could not leave work early unless there were four hog pushers still at work after he left. On October 21, the claimant's work was done. He considered a general worker who was sometimes assigned to push hogs as a qualified hog pusher. The claimant left work an hour early.

On October 23, the employer discharged the claimant for failing to follow the employer's directions that there had to be four qualified hog pushers at work. The employee who the claimant considered a qualified hog pusher was a general worker, not a qualified hog pusher. When the claimant left work an hour early on October 21, there were only three qualified hog pushers at work instead of the required four.

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 law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. 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 do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant knew and understood that before he could leave work early, the employer required four qualified hog pushers at work. The employer did not consider a general worker as a qualified hog pusher even though this employee sometimes worked as a hog pusher. The claimant understood that if he left work and there were not four qualified hog pushers still at work, he could be discharged.

The employer's requirement to have four hog pushers at work was not unreasonable. Since the employer had one-on-one discussions with employees and a meeting with the union president, the question as to whether a general worker was a qualified hog pusher could have been asked before October 21 but obviously was not. The claimant committed work-connected misconduct when he left work early which left only three qualified hog pushers at work. As of October 19, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 14, 2014 determination (reference 01) is affirmed. The employer discharged the claimant for reasons amounting to work-connected misconduct. As of October 19, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css