

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIO C TORRES**

Claimant

**APPEAL NO. 11A-UI-14440-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FARMLAND FOODS INC**

Employer

**OC: 09-25-11**

**Claimant: Respondent (4)**

Iowa Code § 96.5(2)a – Discharge for Misconduct/Requalification

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the October 26, 2011, reference 05, decision that allowed benefits. After due notice was issued, a hearing was scheduled to be held on December 2, 2011. After reviewing the agency file, the Administrative Law Judge determined that no hearing was necessary. Iowa Workforce Development records were considered in reaching this decision.

**ISSUE:**

Has the claimant requalified for benefits since his separation from Farmland Foods?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was separated from his employment due to job connected misconduct. He has since worked for another employer and has requalified for benefits since the separation from the employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment for reasons related to job misconduct.

Iowa Code § 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 separated from this employer for job connected misconduct. However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The October 26, 2011 (reference 05) decision is modified in favor of the appellant. The claimant was discharged from employment for reasons related to job misconduct, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (Farmland Foods, Acct. No. 326793) shall not be charged.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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