

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BREANNA L HARRELSON
Claimant

APPEAL NO. 09A-UI-11769-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

OC: 07/05/09
Claimant: Respondent (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Swift & Company filed an appeal from a representative's decision dated August 6, 2009, reference 01, which held that no disqualification would be imposed regarding Breanna Harrelson's separation from employment. After due notice was issued, a hearing was held by telephone on September 1, 2009. Ms. Harrelson participated personally. The employer participated by Aaron Vawter, Human Resources Coordinator.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Harrelson was employed by Swift from November 3, 2008 until June 17, 2009 as a full-time product worker. Her normal hours were from 5:30 a.m. until 2:00 p.m. On June 16, she learned that there would be mandatory overtime and that the shift would be for ten hours. Ms. Harrelson believed she had previously notified her supervisor that she had a doctor's appointment for 4:30 p.m. that day and, therefore, left at the end of her normal shift. She did not remind the supervisor of the need to leave.

Ms. Harrelson reported to work at her normal start time on June 17. She was considered to have walked off the job on June 17 and was discharged. The above matter was the sole reason for the separation.

REASONING AND CONCLUSIONS OF LAW:

The employer initiated Ms. Harrelson's separation from employment when she was not allowed to continue working after June 16, 2009. Therefore, the separation shall be 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).

Ms. Harrelson was discharged because she left work before completing mandatory overtime on June 16 and without first checking with her supervisor. However, she had a good-faith belief that she had previously notified the supervisor of her medical appointment that day. At most, she used poor judgment in not reminding the supervisor of the need to leave. An isolated instance of poor judgment does not constitute misconduct within the meaning of the law. See 871 IAC 24.32(1). While the employer may have had good cause for discharging Ms. Harrelson, conduct that might warrant a discharge will not necessarily support a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa App. 1983). For the reasons cited herein, benefits are allowed.

DECISION:

The representative's decision dated August 6, 2009, reference 01, is hereby affirmed. Ms. Harrelson was discharged by Swift but misconduct has not been established. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs