

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINE L ROGERS

Claimant

APPEAL NO: 14A-UI-03074-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BELLE/SIOUX CITY RIVERBOAT

Employer

OC: 02/16/14

Claimant: Respondent (1)

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's March 14, 2014 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been discharged for nondisqualifying reasons. The claimant participated at the April 11 hearing. Donna Beck-Willems, the human resource business partner, 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 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 May 2012 as a full-time prep cook. On February 2, 2014, the claimant was the only prep cook in the morning. Her duties required her to turn on the grill, the steam table and fryer in the kitchen. She then left to go to the break room and turn on equipment there. She had to be in the break room by a certain time. The claimant was in a hurry on February 2 and forgot she left the grill burners on high when she should have turned them down when she went to the break room. With the grill on high the grease in the grill started smoking and some of the grill became scorched.

The employer discharged the claimant on February 6, 2014, for failing to follow procedures and performing her job satisfactorily on February 2. The claimant's job was not in jeopardy prior to February 2. The claimant knew that leaving the burners on high could have caused a grease fire.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The employer has the burden to prove the 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 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 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 made a careless mistake when she was in a hurry on February 2, 2014. She forgot to turn down the grill before she went to the break room to turn on other equipment. Since the claimant's job was not in jeopardy before February 2, her carelessness or negligence on February 2, 2014, was an isolated incident and does not rise to the level of work-connected misconduct. As of February 16, 2014, the claimant is qualified to receive benefits.

DECISION:

The representative's March 14, 2014 determination (reference 01) is affirmed. The employer discharged the claimant for justifiable businesses reasons, but the claimant did not commit work-connected misconduct. As of February 16, 2014, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css