

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

ELMER L PRUETT III
1114 N BROADWAY
COUNCIL BLUFFS IA 51501

PLUMROSE USA INC
c/o TALX UC EXPRESS
PO BOX 66744
ST LOUIS MO 63166-6847

Appeal Number: 05A-UI-05026-CT
OC: 04/17/05 R: 01
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Elmer Pruett filed an appeal from a representative's decision dated May 5, 2005, reference 01, which denied benefits based on his separation from Plumrose USA, Inc. After due notice was issued, a hearing was held by telephone on May 31, 2005. Mr. Pruett participated personally. The employer participated by Amy Smith, Human Resources, and was represented by Michael Sloan of Talx UC Express.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Pruett was employed by Plumrose USA, Inc. from

November 19, 2004 until February 22, 2005 as a full-time production worker. He was discharged based on an allegation that he left work early on February 21 without permission.

Throughout his employment, Mr. Pruett left work when all of his duties were completed. He was not told he needed to check with anyone before leaving. On occasions prior to February 21, he had left when his work was completed and was not warned that such conduct was contrary to the employer's standards or expectations. He and the coworker performing the same job left at about the same time on February 21. His leaving early on February 21, 2005 was the sole reason given Mr. Pruett for the discharge.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Pruett was separated from employment for any disqualifying reason. 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). It was incumbent upon the employer to provide specific details concerning the reason for separation as mere allegations of misconduct are not sufficient to result in disqualification from benefits. 871 IAC 24.32(4). The employer's witness who testified during the hearing was not familiar with the procedures in the area where Mr. Pruett worked. She did not know what time he left on February 21 or how it was determined that he had left early. She was not able to refute Mr. Pruett's testimony that he was allowed to leave when his work was completed.

Given the lack of specific information from the employer concerning the facts that resulted in Mr. Pruett's discharge, the administrative law judge concludes that the employer has failed to satisfy its burden of proving disqualifying misconduct. While the employer may have had good cause to discharge, conduct which might warrant a discharge from employment will not necessarily sustain a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa App. 1983). For the reasons stated herein, benefits are allowed.

DECISION:

The representative's decision dated May 5, 2005, reference 01, is hereby reversed. Mr. Pruett was discharged but misconduct has not been established. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/pjs