

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in mid-April 2005. The claimant worked as a full-time machinist. On June 24, 2005, a supervisor told the claimant he would not be needed the next week because the employer did not have enough work. The next day, the employer told the claimant the employer lost an account and some employees had to be laid off from work. The employer has not called the claimant back to work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause, or an employer discharges a claimant for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant did not quit his employment. The employer initiated the employment separation.

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).

For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is 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 are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

The facts establish the employer ended the claimant's employment for compelling business reasons – not enough work. The evidence does not establish the claimant's employment ended because he committed work-connected misconduct. Therefore, as of July 31, 2005, the claimant is qualified to receive unemployment insurance benefits.

The employer is not one of the claimant's base period employer's. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's August 29, 2005 decision (reference 02) is affirmed. The employer ended the claimant's employment for reasons that do not constitute work-connected misconduct. As of July 31, 2005, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

dlw/kjw