

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER L THOMPSON**

Claimant

**APPEAL NO. 08A-UI-05944-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**

Employer

**OC: 05/18/08 R: 03  
Claimant: Respondent (2)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

Cargill Meat Solutions Corporation (employer) appealed a representative's June 17, 2008 decision (reference 01) that concluded Jennifer L. Thompson (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 15, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which she could be contacted to participate in the hearing. As a result, no one represented the claimant. Kim Barfield, a training manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the employer discharge the claimant for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on February 25, 2008. The employer hired the claimant to work full-time in a production department. After the claimant tried this job for several months, the employer concluded the claimant was not capable of performing this job. On April 30, 2008, the employer transferred the claimant to the second shift cut department. The employee who had been training the claimant at the first job did not train the claimant at the new job assignment.

On May 13, the claimant filed a complaint against her first trainer. She complained that he harassed her by sending her various text messages and walked by her workstation. The claimant submitted a written complaint. The claimant showed the employer a text message she allegedly received from the employee harassing her.

During its investigation, the employer learned the trainer had initially sent another employee, not the claimant the text message, "No work?" The other employee verified the trainer had sent the

message to her and she forwarded the message to the claimant's phone at the claimant's request. The trainer denied he harassed the claimant. The employer found no evidence the trainer sent the claimant any text messages and no employees reported observing the trainer repeatedly walk past the claimant's workstation or that he harassed her in any way. The employer concluded the claimant falsified a company document when she reported the trainer sent her a text message she had shown the employer. The claimant indicated she did not have any other text messages the trainer had sent her. Based on this false information, the employer discharged the claimant on May 22, 2008, for violating the employer's code of conduct.

The claimant established a claim for benefits during the week of May 18, 2008. The claimant has not filed any weekly claims.

### **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. 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).

Based on the evidence presented at the hearing, the claimant intentionally and substantially disregarded the standard of behavior the employer has a right to expect from an employee. Without the claimant's explanation about the text message she showed the employer, the evidence indicates the claimant was not truthful and made a false statement on her written complaint. A preponderance of the evidence establishes the claimant committed work-connected misconduct. As of May 18, 2008, the claimant is not qualified to receive benefits.

### **DECISION:**

The representative's June 17, 2008 decision (reference 01) is reversed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of May 18, 2008. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw