

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL A WASHINGTON**  
Claimant

**APPEAL NO. 10A-UI-06781-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INTERNATIONAL INC**  
Employer

**Original Claim: 04/11/10  
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated May 3, 2010, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was scheduled for June 28, 2010. The parties were properly notified about the hearing. Neither party participated in the hearing. Based on the administrative file and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on an assignment at Winegard until April 9, 2010, when he was suspended pending investigation into an incident where he was attacked by a coworker and hit the coworker in self-defense. The employer never called the claimant to inform him about the outcome of the investigation, but personnel at Winegard informed the claimant that the coworker was determined to have been at fault and fired. The claimant was invited to return to work at Winegard, but the employer has not called him back.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was discharged or suspended for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged or suspended for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent, or evil design. Mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or

incapacity, inadvertencies or ordinary negligence in isolated instances, or good-faith errors in judgment or discretion are not misconduct within the meaning of the statute. 871 IAC 24.32(1).

No willful and substantial misconduct has been proven in this case. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

**DECISION:**

The unemployment insurance decision dated May 3, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw