

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**FREDERICK DELANEY**  
Claimant

**APPEAL NO. 13A-UI-12802-SW**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TPI IOWA LLC**  
Employer

**OC: 10/27/13**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated November 15, 2013, reference 01, that concluded he was discharged for work-connected misconduct. A hearing was held on December 5, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing with his attorney, Jennifer Donovan. No one participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked for the employer as a blade builder from September 15, 2012, to October 25, 2013.

On October 25, 2013, the claimant was talking to a coworker about their respective qualification levels. The coworker got upset when the claimant told the coworker that he was more qualified than the coworker. As a result, the coworker slapped the claimant's face. The claimant reported what had happened to management. A supervisor later informed the claimant that he was being discharged for not being a team player.

**REASONING AND CONCLUSIONS OF LAW:**

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

The unemployment insurance law disqualifies claimants discharged 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's statement to the coworker about being more qualified was accurate and did not amount to misconduct. The claimant did not take any aggressive action toward the coworker, despite being slapped.

**DECISION:**

The unemployment insurance decision dated November 15, 2013, 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/pjs