

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer on March 8, 2004. The claimant worked as a full-time production worker.

As the result of a medical condition the claimant has had for 30 years, she wears lifts in her shoes. When the claimant walks, she walks differently than other people, because she carries her right leg. The claimant believes she walks with a pronounced limp. Prior to September 8, 2005, neither Woll nor Stafford noticed the claimant limp when they observed her walking.

On September 8, the claimant came to work early for a safety meeting. Woll and other employees noticed the claimant walking at a normal rate but with a limp that favored her left leg that night. Shortly after 9:00 p.m., the claimant walked down some stairs and twisted her left ankle. Co-workers carried the claimant to a pickup and the employer drove the claimant to the hospital. The claimant did not break her ankle. The claimant sprained her ankle. A doctor put a brace on the claimant's ankle and told her not to walk on it. The claimant used crutches for a while. The claimant submitted a workers' compensation claim for the work-related injury.

After the claimant had gone to the hospital, Woll and other employees reported seeing the claimant walk with a noticeable limp when she came to work earlier that day for the safety meeting. On September 14, Stafford met with the claimant to get the claimant's statement about how she injured her ankle. The claimant told Stafford she had not injured her ankle before she came to work on September 8, 2005.

On September 15, 2005, the employer suspended the claimant to investigate her workers' compensation claim. When the employer told the claimant three people observed her limping before 9:00 p.m. on September 8, the claimant denied she had injured her ankle before she reported to work. On September 22, 2005, the employer discharged the claimant for providing false information about her workers' compensation claim. The employer concluded the claimant had not been truthful when she told Stafford she had not previously injured her ankle. The claimant did not tell the employer about her medical condition or that she wears lifts in her shoes.

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. 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 evidence shows on September 14 and 15, the claimant did not think about telling the employer about a medical condition she had lived with for 30 years. The claimant does not deny she may have been limping on September 8, 2005. Even though the claimant was limping, the employer testified she walked at a normal pace prior to 9:00 p.m. Walking with a limp can be the result of many factors and not necessarily because the claimant had injured her ankle before she came to work that day. The facts do not establish that the claimant injured her ankle in a non-work-related injury before she reported to work on September 8, 2005. The evidence also reveals that the claimant sprained her left ankle in a "freak" accident at work on September 8. While the employer has the right to interpret information in a certain way and established a compelling business reason for discharging the claimant, the evidence does not establish that the claimant falsified information or that she injured her ankle prior to coming to work on September 8, 2005. The claimant did not commit work-connected misconduct. As of September 25, 2005, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's October 12, 2005 decision (reference 01) is affirmed. The employer discharged the claimant for business reasons that do not constitute work-connected misconduct. As of September 25, 2005, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/kjw