

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORI J KNOCKLE
Claimant

APPEAL NO. 14A-UI-03704-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROCKWELL COLLINS INC
Employer

OC: 03/16/14
Claimant: Appellant (2)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated April 2, 2014, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on April 28, 2014. The claimant participated. The employer indicated that it would not be participating in the hearing.

ISSUE:

The issue in this matter is whether the claimant was discharged for misconduct.

FINDINGS OF FACT:

Having considered all the evidence in the record, the administrative law judge finds: Lori Knockle was employed by Rockwell Collins, Inc. from July 13, 1987 until March 17, 2014 when she was discharged from employment. Ms. Knockle was employed as a full-time material handler and was paid by the hour. Her immediate supervisor was Mr. Chris Tritle.

Ms. Knockle was discharged on March 17, 2014 based upon the employer's belief that Ms. Knockle had "shoved" another female worker on the production floor during working hours.

During the incident, Ms. Knockle had approached the other worker, and tapped the other worker on the shoulder to get the other worker's attention on the production floor. Ms. Knockle's purpose was to clarify that Ms. Knockle had not made any statements about the other employee directly. The other employee, who may have been upset because of her belief that Ms. Knockle had made a negative statement about her, responded by shouting "don't touch me...she shoved me!" When Ms. Knockle concluded that her intentions were being misconstrued, she left the area.

It appears that the other employee, or another worker in the area reported the matter to the company and the company investigated. The employer believed the allegations of the other worker and concluded that Ms. Knockle had violated company policy by the manner in which she had interacted with the other female worker.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes intentional disqualifying misconduct sufficient to warrant the denial of unemployment insurance benefits. It does not.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

The employer has the burden of proof in establishing disqualifying job misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The issue is not whether the employer made a correct decision in separating the claimant but whether the claimant is entitled to unemployment insurance benefits. Infante v. IDJS, 364 N.W.2d 262 (Iowa App. 1984). What constitutes misconduct justifying termination of an employee and what misconduct warrants denial of unemployment insurance benefits are two separate decisions. Pierce v. Iowa Department of Job Service, 425 N.W.2d 679 (Iowa App. 1988). Misconduct serious enough to warrant discharge may not necessarily be serious enough to warrant a denial of job insurance benefits. Such misconduct must be "substantial." Newman v. Iowa Department of Job Service, 351 N.W.2d 806 (Iowa App. 1984).

In the case at hand, Ms. Knockle did not intend to harass, injure or intimidate another female worker, but merely attempted to get that employee's attention so that Ms. Knockle could explain that she had not made any negative statements about the other employee. Based upon the other employee's version of the events, it appears that the employer believed that the claimant

had engaged in threatening or intimidating conduct and discharged Ms. Knockle from her employment. The claimant testified under oath that her intention was not to harm or to hit the other worker and that she had merely touched the other worker on the shoulder to get the other worker's attention. Ms. Knockle specifically denies shoving or otherwise acting inappropriately during the incident.

There being no evidence to the contrary, the administrative law judge concludes that the employer has not sustained its burden of proof in establishing intentional disqualifying misconduct on the part of the claimant sufficient to warrant the denial of unemployment insurance benefits. Benefits are allowed providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated April 2, 2014, reference 01, is reversed. The claimant was discharged under non-disqualifying conditions. Unemployment insurance benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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