

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**RYAN R HOPSON**  
Claimant

**DES MOINES REGIONAL TRANSIT AUTHO**  
Employer

**APPEAL 18A-UI-06610-LJ-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 05/27/18**  
**Claimant: Appellant (2)**

---

Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 15, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was discharged from employment for performing unsatisfactory work. The parties were properly notified of the hearing. A telephone hearing was held on July 3, 2018. The claimant, Ryan R. Hopson, participated. The employer, Des Moines Regional Transit Authority, did not register a telephone number at which to be reached and did not participate in the hearing.

**ISSUE:**

Was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a building supervisor, from June 5, 2017, until June 1, 2018, when he was discharged. Claimant had a co-worker cover his on-call shifts for the week of Memorial Day and the following week. Claimant received authorization and approval from his supervisor to do this. Claimant's co-worker failed to respond to on-call incidents that occurred on May 26 and May 29, so the employer ended up calling claimant to help with the issues. Claimant had no childcare at the time, so it took him much longer than it would have taken the co-worker to come in and resolve the issues. Claimant had never been warned for anything similar in the past, and he was not aware that his job was in jeopardy.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.32(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.

This definition has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. *Huntoon v. Iowa Dep't of Job Serv.*, 275 N.W.2d 445, 448 (Iowa 1979).

Iowa Admin. Code r. 871-24.32(4) provides:

(4) Report required. The claimant's statement and the employer's statement must give detailed facts as to the specific reason for the claimant's discharge. Allegations of misconduct or dishonesty without additional evidence shall not be sufficient to result in disqualification.

In this case, the employer did not participate in the hearing or submit any documentation in lieu of in-person participation. Claimant provided unrefuted testimony that he had authorization from his supervisor to have his co-worker cover the on-call shifts. The employer has not met its burden of proving that claimant was discharged from employment for any disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

**DECISION:**

The June 15, 2018, (reference 01) unemployment insurance decision is reversed. Claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

---

Elizabeth A. Johnson  
Administrative Law Judge

---

Decision Dated and Mailed

lj/scn