

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBRA A LEICHTY**  
Claimant

**APPEAL NO. 10A-UI-08706-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S GENERAL STORES**  
Employer

**OC: 05/09/10**  
**Claimant: Respondent (1)**

Section 96.5-2- a- Discharge

**STATEMENT OF THE CASE:**

The employer appealed a representative's June 11, 2010 decision (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been discharged for non-disqualifying reasons. A telephone hearing was held on August 4, 2010. The claimant participated in the hearing. Jaimie Fuller, the store manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on December 8, 2008. The employer hired her to work part-time making pizzas and to work as a cashier. The claimant worked 10 to 25 hours a week.

During her employment, the employer talked to her about failing to get her job duties completed during her shift. The claimant usually worked until close and employees who worked the next morning complained that she left work for them to do. When the employer talked to the claimant about not getting all her job duties done, the claimant indicated she had been busy. The claimant knew her job was on "thin ice" for not getting all her job tasks completed.

When the claimant cleaned on April 22 or 23, she cleaned underneath the pizza maker but did not know she was supposed to flip it over. The claimant stocked the cooler, but admitted she could have done a better job. The claimant thought she was working to the best of her ability. The employer wrote up a written warning on April 23 because the claimant had not completed her job duties satisfactorily, but did not give the claimant this warning until later—May 8.

After the claimant worked May 6, 7, and 8, morning employees complained about the claimant leaving her work unfinished, which created more work for the morning crew. The claimant again

did not flip over the pizza maker and left some clean dishes in the drainer. On May 8, the employer gave the claimant the April 23 written warning and told her she was discharged because of her inability to perform her job satisfactorily. The claimant understood she was discharged for what she had not completed on April 22 or 23.

**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 employer discharged the claimant for justifiable business reasons. The facts do not, however, establish that she intentionally failed to complete her job duties or failed to complete them satisfactorily. The claimant did not commit work-connected misconduct. Therefore as of May 9, 2010, the claimant is qualified to receive benefits.

**DECISION:**

The representative's June 11, 2010 decision (reference 01) is affirmed. The employer discharged the claimant for business reasons that do not constitute work-connected misconduct. As of May 9, 2010, the claimant is qualified to receive benefits, provided she meets all eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw