

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMY S DOWNING**

Claimant

**APPEAL NO: 13A-UI-12807-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AGRI STAR MEAT & POULTRY LLC**

Employer

**OC: 10/20/13**

**Claimant: Appellant (2)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 8, 2013 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the hearing. Laura Roney, the payroll and human resource assistant, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer in October 2012. She worked full time as a general laborer.

The last day the claimant worked was April 17 or 18. At the end of this shift, the claimant was told she needed to talk to the human resource director before she could return to work. The claimant was not told what time she was to meet with the human resource director. The claimant went to work on Friday, April 19, at 5:30 a.m. to talk to the human resource director. After a security guard told the claimant that the human resource director would not be at work that day, the claimant left and went home. The claimant called work around 3:15 p.m. on April 19. She left a message asking the human resource director to contact her because she had not been at work when the claimant went to the office to meet with her.

The claimant called on Monday, April 21 around 6:00 a.m. and left a message that she would be there to meet with the human resource director after she took her car in. The claimant called again around 11:00 a.m. to report that she was unable to meet that day, but would be in the next day.

On April 22, the claimant called and left a message that she could meet with the human resource director between 3:00 and 3:30 p.m. After receiving this message the employer

decided to end the claimant's employment because the claimant knew the human resource director left work at 3:00 pm. and she kept changing the day and time she could meet with the human resource director. The employer concluded this was the type of behavior the claimant's supervisor reported and the human resource director wanted to talk to the claimant about. The employer decided to discharge the claimant for failing to follow directions and meet with the human resource director on April 19.

#### **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).

The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. 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 do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The employer may have had justifiable business reasons for discharging the claimant. The evidence does not establish that the claimant committed work-connected misconduct. Therefore, as of October 20, 2013, the claimant is qualified to receive benefits.

**DECISION:**

The representative's November 8, 2013 determination (reference 01) is reversed. The employer discharged the claimant, but the evidence does not establish that the claimant committed work-connected misconduct. As of October 20, 2013, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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