

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RESSA A MASON**  
Claimant

**APPEAL NO: 11A-UI-15009-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**  
Employer

**OC: 10/16/11  
Claimant: Respondent (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's November 9, 2011 determination (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 nondisqualifying reasons. The claimant participated in the hearing. Diane Stephenson, 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 finds the claimant 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 2010. She worked as a full-time clerk who worked on a cash register. The claimant understood the employer did not want employees to make change for large denominations.

On October 18, 2011, a male came to the store and asked the claimant to make change for a \$100 bill. The claimant told him she did not have enough money to do that and it was against the store's policy to make change for large denominations. When the male attempted to buy a candy bar with the \$100 bill, the claimant told him that she still could not give him change for the \$100 bill because she did not have enough money in her register. The customer was not happy. About this time, Stephenson came out of the office and directed the claimant to make change for the customer from the money in the safe. When the male customer left, he made the comment that it was not necessary for the claimant to have been so rude to him.

After the male left, his mother called to complain about the claimant's rudeness toward her son. When the female started to complain, the claimant told her she could talk to the claimant's supervisor. The female then indicated she knew the district manager and would call and talk to her.

The claimant called Stephenson because she was afraid the district supervisor would discharge her. The claimant believed the district manager had been trying to find a way to discharge the claimant and would after this woman talked to her. A few weeks earlier the employer talked to the claimant and reminded her to be nice to all customers. The district manager made the decision to discharge the claimant for again being rude to a customer. The district manager directed Stephenson to tell the claimant she was discharged.

**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 district manager may have had justifiable business reasons for discharging the claimant. The facts indicate the claimant was discharged because of the incident between the claimant and the male customer who wanted a \$100 bill changed to smaller denominations. This isolated incident shows the claimant used poor judgment when she did not want to take the \$100 bill for the candy bar, but the facts do not establish that she committed work-connected misconduct. This isolated incident does not rise to the level of work-connected misconduct. As of October 16, 2011, the claimant is qualified to receive benefits.

**DECISION:**

The representative's November 9, 2011 determination (reference 01) is affirmed. The employer discharged the claimant for business reasons. The evidence does not establish that the

claimant committed work-connected misconduct. As of October 16, 2011, 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

dlw/pjs