

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GEORGE M DUCHARME**  
Claimant

**APPEAL NO: 13A-UI-01590-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**  
Employer

**OC: 04/22/12  
Claimant: Appellant (2)**

Iowa Code 96.5(2)a – Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 8, 2013 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had been discharged from an assignment for disqualifying reasons. The claimant participated at the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes that based on the reasons for his employment separation the claimant is qualified to receive benefits.

**ISSUE:**

Was the claimant discharged for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant registered to work for the employer's clients in April 2012. He started an on-going assignment at General Mills in August 2012.

On December 6, the claimant called the employer to find out if he was scheduled to work at General Mills. He then learned General Mills did not want the claimant to return to work. The claimant's last day at General Mills was December 3, 2012. Although the claimant asked why General Mills did not want him to return, the employer did not tell him.

The claimant was a lead worker and did not know his assignment at General Mills was in jeopardy.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges him 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).

Based on the evidence presented during the hearing, it is not known why General Mills, the client, no longer wanted the claimant working at its business. General Mills, may have had justifiable business reasons for ending the claimant's assignment. The evidence does not establish that the claimant committed work-connected misconduct. Therefore, he is qualified to receive benefits as of December 9, 2012.

The employer is not one of the claimant's base period employers on the claim that was established during the week of April 22, 2012. During this benefit year, the employer's account will not be charged.

**DECISION:**

The representative's January 8, 2013 determination (reference 03) is reversed. The client, General Mills, may have had justifiable business reasons for ending the claimant's assignment. But the evidence does not establish that the claimant committed work-connected misconduct. As of December 9, 2012, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/tll