

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN L PALMER
Claimant

APPEAL NO. 07A-UI-05982-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES - MARSHALLTOWN
Employer

**OC: 05/20/07 R: 02
Claimant: Respondent (5)**

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Temp Associates – Marshalltown (employer) appealed a representative's June 12, 2007 decision (reference 02) that concluded Susan L. Palmer (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 2, 2007. The claimant participated in the hearing. Judy Rebik, the 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 registered to work for the employer. The employer assigned the claimant to a job that started April 12, 2006. On May 12, 2006, the on-site supervisor at this assignment told the claimant to hand in her badge because the employer told the client to end her assignment. When the claimant went to the employer's office on May 12, the employer denied any knowledge about ending her assignment. The claimant never knew why her assignment ended. As of May 12, 2006, the employer did not have another job to assign to the claimant

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. On May 12, 2006, the claimant's assignment ended even though there was continuing work. For unemployment insurance purposes, the claimant was discharged.

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).

No one knew why the client or employer ended the claimant's job assignment. As a result, the evidence does not establish that the claimant committed work-connected misconduct. Therefore, the claimant is qualified to receive unemployment insurance benefits based on the May 12, 2006 employment separation.

DECISION:

The representative's June 12, 2007 decision, reference 02, is modified, but the modification has no legal consequence. The claimant's employment separation for nondisqualifying reasons occurred on May 12, 2006, not May 12, 2007. Based on the reasons for this employment separation, the claimant is qualified to receive unemployment insurance benefits as of May 20, 2007, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css