

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**STEVEN L EDDINS**  
Claimant

**UNITED STATES POSTAL SERVICE**  
Employer

**APPEAL 16A-UCFE-00017-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/24/16  
Claimant: Appellant (2-R)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 19, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was discharged for causing dissention among other employees. The parties were properly notified of the hearing. A telephone hearing was held on June 17, 2016. The claimant, Steven L. Eddins, participated, and witness, Cindy Miller, testified on claimant's behalf. The employer, United States Postal Service, did not register a telephone number at which to be contacted and did not participate in the hearing.

**ISSUE:**

Was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a distribution clerk from December 27, 1990, until this employment ended on April 12, 2016, when he was placed on leave, and on May 16, 2016, when he was discharged.

Claimant's final day of work was April 12, 2016. While he was on his break that day, he and a coworker had a heated discussion regarding a personal matter. Claimant denies threatening the coworker and does not believe he used any profanity during this conversation. Several hours after this conversation, management sent both claimant and the coworker home on "emergency placement." Claimant was called in on April 19 and interviewed about this incident. Claimant was called in again on April 26, May 3, May 12, and May 16. Claimant testified that these interviews were all the same. Following the interview on May 16, 2016, claimant was informed he was being discharged. Claimant could not think of any employment policy he would have violated on April 12. He had never been warned for having inappropriate discussions or arguments at work, and he did not know his job was in jeopardy at the time he was discharged.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was discharged from employment for no disqualifying reason. Benefits are allowed.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

This definition has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. *Huntoon v. Iowa Dep't of Job Serv.*, 275 N.W.2d 445, 448 (Iowa 1979).

Iowa Admin. Code r. 871-24.32(4) provides:

(4) Report required. The claimant's statement and the employer's statement must give detailed facts as to the specific reason for the claimant's discharge. Allegations of misconduct or dishonesty without additional evidence shall not be sufficient to result in disqualification. If the employer is unwilling to furnish available evidence to corroborate the allegation, misconduct cannot be established. In cases where a suspension or disciplinary layoff exists, the claimant is considered as discharged, and the issue of misconduct shall be resolved.

Iowa Admin. Code r. 871-24.32(9) provides:

(9) Suspension or disciplinary layoff. Whenever a claim is filed and the reason for the claimant's unemployment is the result of a disciplinary layoff or suspension imposed by the employer, the claimant is considered as discharged, and the issue of misconduct must be resolved. Alleged misconduct or dishonesty without corroboration is not sufficient to result in disqualification.

In an at-will employment environment an employer may discharge an employee for any number of reasons or no reason at all if it is not contrary to public policy, but if it fails to meet its burden of proof to establish job related misconduct as the reason for the separation, it incurs potential liability for unemployment insurance benefits related to that separation.

In this case, the claimant was placed on leave and subsequently discharged for the same conduct: an argument with a coworker on April 12, 2016. The conduct for which claimant was discharged was merely an isolated incident of poor judgment. An employee is entitled to fair warning that the employer will no longer tolerate certain performance and conduct. Without fair warning, an employee has no reasonable way of knowing that there are changes that need be made in order to preserve the employment. If an employer expects an employee to conform to certain expectations or face discharge, appropriate (preferably written), detailed, and reasonable notice should be given. Claimant testified he had never been warned for arguing at work in the past. Neither he nor his witness described anything during their testimony that indicated this argument was violent, profane, or anything other than an isolated spat between coworkers. The employer did not participate in the hearing or submit any evidence in lieu of in-person participation. Therefore, the employer has not met the burden of proof to establish that claimant acted deliberately or with recurrent negligence in violation of company policy, procedure, or prior warning. Benefits are allowed.

**DECISION:**

The May 19, 2016, (reference 01) unemployment insurance decision is reversed. Claimant was placed on leave and discharged from employment for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

**REMAND:**

This matter is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination regarding any wages claimant has received since filing for and claiming unemployment insurance benefits.

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Elizabeth Johnson  
Administrative Law Judge

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Decision Dated and Mailed

lj/pjs