

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL W RING**  
Claimant

**APPEAL NO. 12A-UI-03473-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SOY ENERGY LLC**  
Employer

**OC: 02/05/12**  
**Claimant: Appellant (2-R)**

Section 96.5(1) – Quit  
Section 96.5(2)a - Discharge

**STATEMENT OF THE CASE:**

The claimant, Michael Ring, filed an appeal from a decision dated March 27, 2012, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 19, 2012. The claimant participated on his own behalf. The employer, Soy Energy, participated by Plant Manager Mike Daily and CFO Steve Nath. .

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer or whether he was discharged for misconduct sufficient to warrant a denial of unemployment benefits..

**FINDINGS OF FACT:**

Michael Ring was employed by Soy Energy from June 29, 2011 until January 18, 2012 as a full-time maintenance person. His last day of work was October 26, 2011, when he has sustained a work-related injury. A first report of injury was filled out,

An initial document was provided to the employer at the end of October 2011, excusing the claimant from work. A second document was from Mitchell County Regional Health Center November 14, 2011, excusing him until November 28, 2011. On November 28, 2011, the claimant had been referred to a specialist, Dr. Coral Gerdts, who excused him "until further notice."

After that date Mr. Ring had spoken to Human Resources Representative Beth Hancock on at least three occasions about his situation, his return to work and other matters. He was never requested by the employer to provide updated information from his doctor about his current status, although the employer's insurance company was handling the claim and did ask for information on his pre-existing conditions and previous injuries.

His last contact with Ms. Hancock was January 12, 2012, when he asked if he still had insurance coverage because he needed an MRI and the insurance company was refusing to pay for it. On January 18, 2012, Plant Manager Mike Daily, sent the claimant a letter stating he was discharged for job abandonment.

The issue of whether the claimant is able and available for work with his current medical condition has not been determined.

### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The record establishes the claimant did not quit his work voluntarily.

Iowa Code section 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.

871 IAC 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.

The claimant was discharged for job abandonment. It seems the plant manager did not adequately investigate the situation before deciding to discharge the claimant. If a careful

review of the situation had been done it would have been apparent Mr. Ring had alleged a work-related injury and was communicating with the employer's insurance company.

The final note to the employer from the doctor said Mr. Ring was excused "until further notice." At no time did anyone at Soy Energy officially contact the claimant and request specific information be provided by a certain date and he therefore had no reason to know he was expected to do so to satisfy the employer.

The claimant was discharged but not for misconduct. Disqualification may not be imposed.

The issue of whether Mr. Ring is available for work in the labor market generally should be remanded for determination.

**DECISION:**

The representative's decision of March 27, 2012, reference 01, is reversed. Michael Ring is qualified for benefits, provided he is otherwise eligible.

The issue of the claimant's availability for work is remanded to UIS for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css