

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**META J MONTANG-SHUTT**  
Claimant

**MOSAIC**  
Employer

**APPEAL 16A-UI-06195-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/08/16**  
**Claimant: Appellant (2)**

---

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 26, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant was discharged for conduct not in the best interest of her employer. The parties were properly notified of the hearing. A telephone hearing was held on June 20, 2016. The claimant, Meta J. Montang-Shutt, participated, and was represented by Patrick E. McNamara, attorney at law. The employer, Mosaic, did not register a telephone number at which to be contacted for the hearing and did not participate.

**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 direct support manager from July 17, 2006, until this employment ended on April 27, 2016, when she was suspended without pay, and subsequently discharged on May 9, 2016.

When claimant got up the morning of April 27, her supervisor was texting her about allegations that she was mistreating staff-members. Later during the workday, claimant was called into the office and suspended without pay. Claimant was not given any reason for the employer suspending her. Two days prior to claimant's suspension, she had disciplined an employee. Claimant believes her suspension and subsequent discharge may be based on retaliatory false accusations made by the employee she disciplined.

Claimant was discharged on May 9, 2016. The employer informed her that she was discharged for falsifying documentation and mistreating the people she served in her employment. Claimant denies doing either. She explained that the alleged falsification was done with her staff's knowledge and consent to help them. She denies mistreating anyone. Claimant had not been disciplined for either of these issues previously, and she was unaware that her job was in jeopardy at the time she 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.

Claimant had two separations from her employment: the April 27 suspension without pay, and the May 9 discharge. The employer did not participate in the unemployment appeal hearing to present any evidence that claimant engaged in disqualifying job-related misconduct that led to her suspension or her discharge. Claimant denies engaging in the misconduct her employer accused her of, and she provided credible and uncontested testimony to that effect during the hearing. The employer has not established that claimant engaged in disqualifying job-related misconduct. Benefits are allowed.

**DECISION:**

The May 26, 2016, (reference 01) unemployment insurance decision is reversed. Claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

---

Elizabeth Johnson  
Administrative Law Judge

---

Decision Dated and Mailed

lj/pjs