

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDY L BRYANT**  
Claimant

**APPEAL NO. 13A-UI-09599-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**UNIPARTS OLSEN INC**  
Employer

**OC: 07/29/12**  
**Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 12, 2013, reference 04, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on September 24, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer. Exhibits A through D were admitted into evidence at the hearing.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant full time worked as a metal fabricator from November 17, 2012, to July 11, 2013. He had received no discipline during his employment with the employer.

The claimant was sick and unable to work on July 15 and 16. He properly called in and reported his absences. He had a recent medication change for a medical condition and was not feeling well. One of the side effects of the medication is a feeling of discomfort or illness and confusion about identity, place, and time.

The claimant called in sick again on July 17 and left a voice mail. Later, he received a voice mail from the human resources manager informed him that he was discharged for missing too much work. The human resources manager also said in the voice mail that he had made a remark during his call earlier that morning that violated the employer's work rules. In his termination letter dated, July 17, the human resources director said that at the end of his voice mail he had used a racial slur. The claimant did not willfully leave the message alleged. He could not recall even making the phone call and likely his conduct was due to side effects of the medication he was taking. He had no ill will toward anyone at work, including workers of other races.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

No willful and substantial misconduct has been proven in this case. I am convinced that his conduct was due to side effects of the medication he was taking based on the evidence presented at the hearing.

**DECISION:**

The unemployment insurance decision dated August 12, 2013, reference 04, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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