

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PENNY L QUINN
Claimant

APPEAL NO: 06A-UI-08495-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MURPHY OIL USA INC
Employer

OC: 07/23/06 R: 04
Claimant: Respondent (1)

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The employer, Murphy Oil USA, Inc. (Murphy), filed an appeal from a decision dated August 15, 2006, reference 01. The decision allowed benefits to the claimant, Penny Quinn. After due notice was issued, a hearing was held by telephone conference call on September 11, 2006. The claimant participated on her own behalf. The employer participated by District Manager Rhonda Scott.

ISSUE:

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of her unemployment benefits.

FINDINGS OF FACT:

Penny Quinn was employed by Murphy Oil from October 16, 2005 until July 24, 2006. She was a part-time cashier. Ms. Quinn was discharged on July 24, 2006, by Store Manager Caroline Thornberg because the safe had been \$20.00 short the day before. The claimant had not received any prior warnings or disciplinary actions for cash handling problems.

REASONING AND CONCLUSIONS OF LAW:

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 employer has the burden of proof to establish the claimant was discharged for substantial, job-related misconduct. Cosper v. IDJS, 321 N.W.2d 6 (Iowa 1982). In the present case the employer has failed to establish any reason for the discharge except for one incident of a \$20.00 shortage. Without further evidence of cash handling errors, this cannot be considered anything other than a one-time error in judgment. Under the provisions of the above Administrative Code section, this is not misconduct sufficient to warrant a denial of unemployment benefits.

DECISION:

The representative's decision of August 15, 2006, reference 01, is affirmed. Penny Quinn is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw