

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHELSEA R MEIER**  
Claimant

**ASPEN WASTE SYSTEMS OF IOWA INC**  
Employer

**APPEAL 24A-UI-04633-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/21/24  
Claimant: Appellant (2)**

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Iowa Code § 96.5(2)a – Discharge from Employment

**STATEMENT OF THE CASE:**

On May 13, 2024, claimant Chelsea R. Meier filed an appeal from the May 10, 2024 (reference 01) unemployment insurance decision that denied benefits, determining claimant was discharged on February 2, 2024 for . The Unemployment Insurance Appeals Bureau mailed notice of the hearing on May 16, 2024. Administrative Law Judge Elizabeth A. Johnson held a telephonic hearing at 8:00 a.m. on Friday, May 31, 2024. Claimant Chelsea R. Meier personally participated. Employer Aspen Waste Systems of Iowa Inc. participated through Laura Whipple, Human Resources Manager; and John Emmons, General Manager. Whipple acted as the employer's representative. No exhibits were offered or admitted into the record.

**ISSUE:**

Whether claimant was discharged from employment for disqualifying, job-related misconduct.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant Chelsea R. Meier began his employment with Aspen Waste Systems of Iowa Inc. on August 21, 2023. He worked full-time hours for the company as a driver, primarily operating an automatic transmission truck. Claimant's employment ended on February 2, 2024, when the employer discharged him.

Claimant typically operated an automatic transmission vehicle at work. On January 30, claimant came to work and this vehicle was out of service, so he drove a manual transmission for the day. This day of pushing the clutch in with his left leg aggravated claimant's knee and his old torn meniscus injury. At 5:18am on January 31, claimant sent his supervisor a text message to let him know that driving the manual had aggravated his knee and he would not be able to drive that truck again. Claimant's supervisor did not respond to the text, but he arrived at work about twenty minutes later. He told claimant the employer did not have another vehicle for him to drive and the only other option was for claimant to go home, so claimant went home.

Claimant called in sick on February 1, 2024, due to a migraine. On February 2, claimant sent his supervisor a text message asking if his usual truck was still inoperable. Claimant's supervisor did not respond. When the two had both arrived at work, claimant told his supervisor that driving the vehicle with the manual transmission caused him too much pain and he could

not operate that truck. His supervisor replied that driving that truck was his only option; the other option was for him to go home. Claimant decided to go home. General manager John Emmons tried to call him that afternoon and he missed the call, so he returned the call. Emmons accused claimant of refusing to work. Claimant explained to him that he was not refusing work, and he told Emmons he had told his supervisor he was not driving the manual vehicle because of his knee was being inflamed and swelling due to his torn meniscus. Emmons responded that claimant had refused work and so his "services were no longer needed." (Claimant testimony)

## **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, provided he is otherwise eligible.

Iowa Code section 96.5(2)(a) and (d) provide:

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 disqualification shall continue 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...

d. For the purposes of this subsection, "*misconduct*" means a deliberate act or omission by an employee that constitutes a material breach of the duties and obligations arising out of the employee's contract of employment. Misconduct is 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 even 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. Misconduct by an individual includes but is not limited to all of the following:

(1) Material falsification of the individual's employment application.

(2) Knowing violation of a reasonable and uniformly enforced rule of an employer.

(3) Intentional damage of an employer's property.

(4) Consumption of alcohol, illegal or nonprescribed prescription drugs, or an impairing substance in a manner not directed by the manufacturer, or a combination of such substances, on the employer's premises in violation of the employer's employment policies.

(5) Reporting to work under the influence of alcohol, illegal or nonprescribed prescription drugs, or an impairing substance in an off-label manner, or a

combination of such substances, on the employer's premises in violation of the employer's employment policies, unless the individual is compelled to work by the employer outside of scheduled or on-call working hours.

(6) Conduct that substantially and unjustifiably endangers the personal safety of coworkers or the general public.

(7) Incarceration for an act for which one could reasonably expect to be incarcerated that results in missing work.

(8) Incarceration as a result of a misdemeanor or felony conviction by a court of competent jurisdiction.

(9) Excessive unexcused tardiness or absenteeism.

(10) Falsification of any work-related report, task, or job that could expose the employer or coworkers to legal liability or sanction for violation of health or safety laws.

(11) Failure to maintain any license, registration, or certification that is reasonably required by the employer or by law, or that is a functional requirement to perform the individual's regular job duties, unless the failure is not within the control of the individual.

(12) Conduct that is libelous or slanderous toward an employer or an employee of the employer if such conduct is not protected under state or federal law.

(13) Theft of an employer or coworker's funds or property.

(14) Intentional misrepresentation of time worked or work carried out that results in the individual receiving unearned wages or unearned benefits.

The employer has the burden of proof in establishing disqualifying job misconduct. *Cosper v. Iowa Dep't of Job Serv.*, 321 N.W.2d 6 (Iowa 1982).

"[W]illful misconduct can be established where an employee manifests an intent to disobey the reasonable instructions of his employer." *Myers v. IDJS*, 373 N.W.2d 507, 510 (Iowa 1983) (quoting *Sturniolo v. Commonwealth, Unemployment Compensation Bd. of Review*, 19 Cmwlth. 475, 338 A.2d 794, 796 (1975)); *Pierce v. IDJS*, 425 N.W.2d 679, 680 (Iowa Ct. App. 1988). In insubordination cases, the reasonableness of the employer's demand in light of the circumstances must be evaluated, along with the worker's reason for non-compliance. See *Endicott v. Iowa Department of Job Service*, 367 N.W.2d 300 (Iowa Ct. App. 1985). The key to such cases is not the worker's subjective point of view but "what a reasonable person would have believed under the circumstances." *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330, 337 (Iowa 1988); accord *O'Brien v. EAB*, 494 N.W.2d 660 (Iowa 1993) (objective good faith is test in quits for good cause).

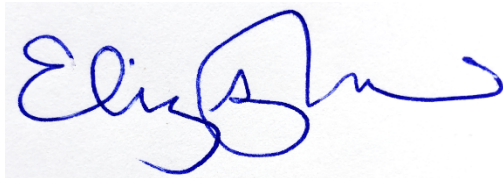
Claimant had several conversations with his supervisor over the course of three days, and he told his supervisor during these conversations that he could not continue driving the manual transmission vehicle because it aggravated his prior injury. His supervisor then gave claimant the option to drive the manual transmission vehicle or go home, so claimant opted to go home instead of continue to injure himself. Claimant's decision was reasonable in light of the two

options presented to him. The supervisor had a responsibility to communicate claimant's reason for not working to Emmons, and his failure to communicate was not claimant's fault.

Even if claimant's supervisor did not communicate with Emmons, Emmons admits claimant told him that he had not stayed at work to drive the manual truck because of his knee prior to Emmons discharging him. At that point, Emmons was on notice that there may have been a legitimate reason for claimant's refusal to drive the manual truck. Emmons could have asked claimant follow-up questions to learn whether claimant had told anyone else about this knee issue, to learn more about the knee issue itself, and to determine whether claimant was telling the truth. Instead, Emmons assumed claimant was fabricating a reason for refusing to work and went through with his decision to discharge him. This was certainly within his rights as the general manager: an employer may discharge an employee for any reason or no reason at all, provided that reason is not illegal. However, if an employer discharges an employee for a reason other than disqualifying, job-related misconduct, they may end up liable for unemployment insurance benefits paid to the employee. That is the case here. The employer has not met its burden of proving claimant was discharged for misconduct. Benefits are allowed, provided claimant is otherwise eligible.

**DECISION:**

The May 10, 2024 (reference 01) unemployment insurance decision is reversed. The employer discharged claimant from employment for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld shall be paid.



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Elizabeth A. Johnson  
Administrative Law Judge

June 4, 2024  
Decision Dated and Mailed

lj/scn

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.