

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALFREDO CORONA-TINOCO
Claimant

APPEAL NO. 08A-UI-07862-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ECONOMY ROOFING & INSULATING CO
Employer

**OC: 08/03/08 R: 04
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant, Alfredo Corona-Tinoca, appealed an unemployment insurance decision dated August 27, 2008, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 16, 2008. The parties were properly notified about the hearing. Corona-Tinoca participated in the hearing with the assistance of interpreter Isaura Broste . Kathy Mack participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

Alfredo Corona-Tinoca worked full time for the employer as a roofer from 2001 to August 4, 2008. After Corona-Tinoca reported to work on August 4, 2008, a supervisor, Joe Johnson, told him that there was a problem because none of the other employees wanted to work with him.

Corona-Tinoca asked Johnson if that meant he was fired. Johnson responded that there was nothing he could do because the employees refused to work with him. Corona-Tinoca reasonably believed that he was discharged and left the job site.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5-1 and 96.5-2-a. Corona-Tinoca was discharged from his job when he was told that he could not work because his coworkers did not want to work with him.

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. Corona-Tinoca is qualified for benefits.

DECISION:

The unemployment insurance decision dated August 27, 2008, reference 01, is reversed. Alfredo Corona-Tinoca is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css