

Iowa Employment Appeal Board
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270

Determination Number:
7606408
Appeals Bureau Docket:
2026005940-AT
Appeal Filed By:
AERIEL MILLER
Appeal Filed Date:
05/19/2026
Employment Appeal Board Docket:
2026000752-AB



STATE OF IOWA EMPLOYMENT APPEAL BOARD DECISION

Mail Date: June 16, 2026

Claimant/Job Seeker: AERIEL MILLER

Employer: Fourteen Foods, LLC

In regard to the appeal by AERIEL MILLER:

Decision

FINDINGS OF FACT

The Claimant's first day of employment with the Employer was March 15, 2025. She worked full time in the job of assistant manager. Her employment ended on November 21, 2025, when the Employer discharged her employment.

The Employer has a policy that requires employees to wear "close-toed, slip-resistant shoes." The Employer began focusing on compliance with the policy in July 2025. The Claimant was aware of the policy.

The Claimant had an issue with her foot that made wearing non-slip shoes painful. The Claimant tried numerous types of slip resistant shoes, but none of them fit properly. The Employer was aware of these issues.

On September 29, 2025, the Claimant was working when one of her managers came in and saw the Claimant wearing non-slip shoes. That day, the Claimant believed she made an agreement with the Employer that she would wear non-slip shoes while working, but switch into her regular shoes that were not painful during break and at other times when she was not on the clock.

*Equal Opportunity:
Auxiliary aids and services are available upon request to individuals with disabilities. For deaf and hard of hearing, use Relay 711.*



On October 2 and 3, 2025, the Claimant was given warnings for wearing non-slip shoes even though she only did so when she was not on the clock.

The Claimant complained to the district manager and the human resource department about her manager's conduct.

The Claimant continued to wear her non-slip shoes while on the clock and her own comfortable shoes when she was not on the clock.

On November 21, 2025, the Employer terminated the Claimant's employment based on video surveillance footage showing the Claimant not wearing slip resistant shoes behind the counter. The Claimant was on break and went behind the counter during her break to enter her manager code for an employee who needed a discount on their employee meal.

REASONING AND CONCLUSIONS OF LAW

Iowa Code section 96.5(2)a provides:

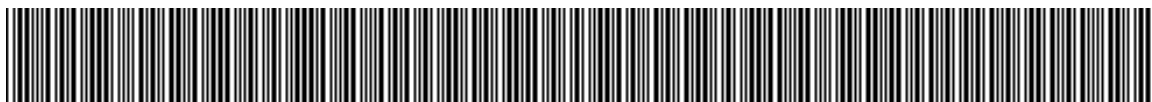
An individual shall be disqualified for benefits:

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.

The employer has the burden of proof in establishing disqualifying job-related misconduct. *Cosper v. Iowa Dep't of Job Serv.*, 321 N.W.2d 6 (Iowa 1982). The issue is not whether the employer made a correct decision in separating the claimant, but whether the claimant is entitled to unemployment insurance benefits. *Infante v. Iowa Dep't of Job Serv.*, 364 N.W.2d 262 (Iowa Ct. App. 1984). What constitutes misconduct justifying termination of an employee and what misconduct warrants denial of unemployment insurance benefits are two separate decisions. *Pierce v. Iowa Dep't of Job Serv.*, 425 N.W.2d 679 (Iowa Ct. App. 1988). Misconduct serious enough to warrant discharge is not necessarily serious enough to warrant a denial of job insurance benefits. Such misconduct must be "substantial." *Newman v. Iowa Dep't of Job Serv.*, 351 N.W.2d 806 (Iowa Ct. App. 1984). The focus is on deliberate, intentional, or culpable acts by the employee.

In this case, the Employer did not meet its burden to establish the Claimant engaged in a final act of misconduct. The Claimant credibly testified that she had medical issues that made wearing slip resistant shoes painful. The Claimant credibly testified that she removed her slip resistant shoes during break or any other time she was not on the clock and instead wore her regular shoes. The Employer told the Claimant this was acceptable, but then disciplined her on numerous occasions for this behavior. Regarding the last incident, the Claimant credibly testified that she got up from her break in her regular shoes to enter a manager password into the register so an employee could obtain a discount on her meal. This was a good faith error in judgment. The Employer did not establish the Claimant's conduct was deliberate, intentional, culpable, or taken in deliberate disregard of the Employer's interests.



The Employer failed to establish the Claimant was terminated for job-related misconduct for purposes of employment security law.

DECISION

The May 12, 2026, administrative law judge decision is REVERSED. Benefits are allowed, provided the Claimant is otherwise eligible.



Rendered and signed 6/15/2026, in Des Moines, Iowa.

IOWA EMPLOYMENT APPEAL BOARD MEMBERS

David M. Erickson

Ashley Koopmans

David ERICKSON
Board Member

Ashley KOOPMANS
Board Member



James STROHMAN
Board Member

Please see next page for important information about further appeal rights.



NOTICE

This decision is final unless you file (1) a Request for Rehearing with the Employment Appeal Board within **20 days** of the date of the Board's decision, OR (2) a Petition for Judicial Review with the District Court within **30 days** of the date of the Board's decision. If your Request for Rehearing is denied, you may file a Petition for Judicial Review with the District Court within **30 days** of the denial.

REQUEST FOR REHEARING. Filing a Request for Rehearing through IowaWORKS.gov is the fastest option. Login to your account and click on "Rehear Request" at the bottom of the decision you disagree with.

You may also send a written Request for Rehearing to the Employment Appeal Board at the contact information below:

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

Your Request for Rehearing should clearly state your reason for requesting rehearing.

DISTRICT COURT. You may also file a Petition for Judicial Review with the District Court within **30 days** of the Board's decision. Information on how to file a petition is in Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>. You may also contact the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.



Babel Notice – Claim and Appeal Information

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Y Información De Apelación

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This document contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. **DEADLINE FOR APPEAL:** If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document. **IMMEDIATELY:** If needed, call 866-239-0843 for assistance in the translation and understanding of the information in the document(s) you have received.

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Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

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Dokumenty mogą zawierać ważne informacje o Pana(-i) prawach do zasiłków dla bezrobotnych, obowiązków i/lub świadczeń. Zrozumienie informacji zawartych w niniejszym dokumencie jest bardzo ważne. **DATA WYGAŚNIĘCIA TERMINU SKŁADANIA ODWOŁAŃ:** Jeśli nie zgadza się Pan(-i) z decyzją zawartą w niniejszym dokumencie, odwołanie należy złożyć przed datą wygaśnięcia terminu wyszczególnionego w treści niniejszego dokumentu. **NATYCHMIAST:** W razie potrzeby, należy dzwonić pod 866-239-0843 w celu uzyskania pomocy w tłumaczeniu i zrozumieniu informacji w dokumentach, które Pan(i) otrzymał(-a).

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ໝາາງເຫລອ ສາ

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