

Unintentional misconduct doesn't block unemployment

Employees who are fired for misconduct aren't eligible for unemployment benefits. But an unintentional mistake doesn't block benefits.

Recent case: Alan worked for an auto repair shop. When his own truck broke down, he had it towed to the shop for evaluation. He learned the truck was so damaged that it wouldn't be worth repairing. But, when he paid the bill, he didn't spot that a \$19.99 coolant evaluation fee wasn't included.

For that, he was terminated for misconduct—and was denied unemployment benefits. He appealed, arguing his mistake was just an unintentional oversight. To fit under the statutory definition of employment misconduct, an employee must

- (1) engage in "intentional, negligent, or indifferent conduct"
- (2) that is a "serious violation" of
- (3) the employer's reasonable standards of behavior.

An appeals court said Alan's innocent mistake didn't fit the definition and awarded benefits. (*Sargent v. Manny Moe & Jack*, No. A13-1669, Court of Appeals of Minnesota, 2014)