

BEFORE THE
STATE OF WISCONSIN
LABOR AND INDUSTRY REVIEW COMMISSION

In the matter of the
unemployment benefit claim of

DIANE R. HJELLMING. ET AL., Employees

Hearing No. 91-602767 KNG

Involving the account of

BRISTOL BINDERY, INC., Employer

SEE ENCLOSURE AS TO TIME
LIMIT ON FURTHER APPEAL.

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Pursuant to the timely petition for review filed in the above-captioned matter, the Commission has considered the petition and all relief requested. The Commission has reviewed the applicable records and evidence and finds that the Appeal Tribunal's findings of fact and conclusions of law are supported thereby. The Commission therefore adopts the findings and conclusions of the Appeal Tribunal as its own.

DECISION

The decision of the Appeal Tribunal is affirmed. Accordingly, the employes are eligible for benefits, if they are otherwise qualified.

Dated and mailed

December 17, 1991

105:CD3874

/s/

Pamela I. Anderson, Chairman

/s/

Richard T. Kreul, Commissioner

/s/

James R. Meier, Commissioner

MEMORANDUM OPINION

The employer has petitioned for Commission review of the adverse Appeal Tribunal Decision, but has stated no specific objections thereto. The Commission has affirmed that decision, for the following reasons. As the Appeal Tribunal indicated, the misconduct standard under Wisconsin law is wilful, intentional, or substantial disregard of an employer's interests or of the standards of conduct an employer rightfully may expect of its employees. In this case, however, the employees presented legitimate reasons for their failures to have worked the mandatory overtime during the two weeks in question. The record also indicates that the employees generally made good faith efforts to work overtime when the employer so required. For these reasons, the Commission must agree with the Appeal Tribunal that the employees' failures did not amount to misconduct for unemployment compensation purposes.

cc: Anita M. Loveless

Cheryl M. Schumacher