What the law says: This issue is covered by Section 29(1)(b) of the Michigan Employment Security Act. The Act provides that if a worker is fired from a job due to misconduct that occurred in connection with the work, then the worker will be “disqualified” from benefits. The worker must then get another job and have earnings with that employer to “requalify” for benefits. But the employer from whom the worker was fired will not be charged for the benefits, even if the worker requalifies and draws benefits.

What court cases have said: Unemployment compensation cases say that to be misconduct, the actions by the worker must be harmful to the interests of the employer, and must be done intentionally or in disregard of the employer’s interests. Actions that are grossly negligent will also be considered misconduct. A single incident of misconduct or of gross negligence may be enough to disqualify a worker from unemployment benefits. A worker who commits many infractions may be disqualified, even if none of the infractions, alone, would be considered misconduct. However, the final incident in a series, for which the worker is fired, must itself show an intentional disregard of the employer’s interests.

However, if the actions by the worker show merely the worker’s inability to do the job correctly, or show an isolated case of bad judgment or negligence, then the worker will not be disqualified from receiving unemployment benefits. (This does not necessarily mean the employer did not have a good reason for firing the worker.) Acts committed by the worker that have no connection with the work will not result in disqualification if the employer fires the worker for them.

Examples: If a worker is consistently absent or tardy from work, without a justifiable excuse, the worker could be disqualified from receiving benefits. If a worker is discharged based on an arrest occurring on the worker’s own time and not connected with the job, then the worker would not be disqualified.