

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WARREN STEINBRUECK**  
Claimant

**APPEAL NO. 09A-UI-17596-SW**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**Original Claim: 10/25/09  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated November 13, 2009, reference 01, that concluded he was discharged for work-connected misconduct. A hearing was held on January 11, 2010, in Sioux City, Iowa. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Tim Spier participated in the hearing on behalf of the employer with witnesses Tom Daschle and Bob Taylor.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked for the employer as a pharmacist from October 9, 2006, to July 19, 2009. The claimant was informed and understood that he was required to maintain a valid pharmacist license to remain employed.

The claimant's pharmacy license was due to expire June 30, 2009. He was informed by the employer that he needed to make sure the license was renewed and did not expire. He represented to a supervisor that he was submitting the documentation required to the pharmacy board, but he allowed his license to expire. When the manager inquired of the pharmacy board in July 2009, the board informed the manager that no documentation had been submitted to renew the license. When confronted, the claimant had no explanation for his failure to complete the license renewal.

The employer discharged the claimant on July 19, 2009, for failing to renew his pharmacy license and for filling prescriptions without a license after his license expired.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. 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).

The claimant's conduct was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

**DECISION:**

The unemployment insurance decision dated November 13, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw