

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA M SALAK
Claimant

APPEAL NO. 08A-UI-08315-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PRAIRIE MEADOWS
RACETRACK & CASINO**
Employer

**OC: 08/17/08 R: 02
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 11, 2008, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on October 1, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Michelle Wilkie participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time as a security officer for the employer from December 6, 1999, to August 14, 2008. The claimant was informed and understood that under the employer's work rules, she was required to check the identification of persons entering the business who appeared to be under the age of 40 to make sure that they were of legal age (21 years or older) to be on the casino floor.

On July 25, 2008, the claimant failed to check the identification of a person entering the casino floor even though the person was under the age of 21 and did not appear to be 40 years old or older. She was warned that if the conduct happened again, she could be discharged. She was suspended on August 5, 6, and 7 for this offense.

On August 1, 2008, the claimant was stationed at the south entrance to the facility and had the responsibility to monitor persons entering the facility to make sure they were of age. The claimant allowed two under-aged persons to go past her station without asking them for identification. She did not think it was necessary, because she recognized them as groomsmen who were authorized to be on premises. This would not excuse the claimant from asking them for identification before they entered the facility.

After the claimant returned from her suspension, management learned that she had again failed to ask under-aged persons for identification in violation of the employer's policies. If under-aged persons enter the casino floor, the employer is subject to being fined; and if it happens repeatedly, loss of its license.

The employer discharged the claimant on August 14, 2008, for failing to ask under-aged individuals for identification.

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 section 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 violation of a known work rule 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 September 11, 2008, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw