

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT P RUPPRECHT
Claimant

APPEAL NO. 11A-UI-07224-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA CORPORATION
Employer

OC: 02/27/11
Claimant: Appellant (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Scott Rupprecht filed an appeal from a representative's decision dated May 24, 2011, reference 01, which denied benefits based on his separation from Pella Corporation. After due notice was issued, a hearing was held by telephone on June 27, 2011. Mr. Rupprecht participated personally. The employer participated by Pam Fitzsimmons, human resources manager, and Meagan Brunssen, department manager. Exhibits One through Nine were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Rupprecht was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Rupprecht was employed by Pella Corporation from April 10, 1995 until April 21, 2011. He was last employed full-time as a machine operator. The employer has a policy that provides for discharge if an individual receives two "Class II" corrective action letters within any 24 months. Mr. Rupprecht received such letters on May 11, 2010 and April 15, 2011. His last day of work was April 15 and he was notified of his discharge on April 21, 2011.

Mr. Rupprecht's May 11, 2010 corrective action letter was due to the fact that he violated the lock-out, tag-out procedures he had been trained to use. He was cleaning parts around the saw blade with power still going to the machine. He acknowledged that he knew the power should have been locked out but was trying to save time. He was discharged in a letter dated May 12, 2010, as he had already received two prior corrective action letters. Mr. Rupprecht requested a review of his discharge and his employment was reinstated. The corrective action letter of May 11, 2010 was to remain, as he acknowledged engaging in the conduct identified in the letter.

On March 24, 2011, Mr. Rupprecht was counseled after he failed to punch six pieces of fixed jamb metal. On March 28, he again failed to punch six pieces of fixed jamb metal. As a result, he was warned on April 4, 2011. He was told at that time that he was not to be working ahead but to work on each piece individually. He was told he was expected to follow the established process so that steps would not be missed. His discharge was triggered by the fact that he was again not following the proper process on April 15. It was Mr. Rupprecht who approached the supervisor to report that he was not following the correct process. He was taking multiple units at one time rather than one as he was supposed to. His actions resulted in another corrective action letter and, therefore, his discharge.

REASONING AND CONCLUSIONS OF LAW:

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Rupprecht was discharged for repeatedly failing to follow established procedures in the performance of his job. He had been discharged on May 12, 2010 and, therefore, knew that his continued employment would be in jeopardy if he continued to disregard the employer's standards.

Mr. Rupprecht was counseled on March 24, 2011 after he failed to punch six pieces. In spite of the counseling, he again failed to punch six pieces not one week later on March 28. The problem was apparently caused by him pulling more than one piece at a time in order to cut the same colors at one time. He was told he was not to be working ahead. Doing so could cause errors that resulted in down time for other lines. He was given a written warning on April 4 and told to follow the established process to avoid missing steps. In spite of the warning, he was again pulling multiple parts on April 15.

Mr. Rupprecht knew the established procedures. He also knew from past experience that cutting corners to save time could result in errors, errors that created down time for others. He also knew he could be discharged if he continued to disregard the established procedures. Although he may not have intended to make errors, he did intentionally disregard the process he knew he was to follow and knew that errors were a possible outcome of not following the process. The fact that he approached his manager about his failure on April 15 establishes that he knew he was acting in a manner that was contrary to the employer's expectations. The problems that prompted his discharge occurred over a period of three weeks. Therefore, they were not isolated instances.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that the employer has satisfied its burden of proving disqualifying misconduct. As such, benefits are denied.

DECISION:

The representative's decision dated May 24, 2011, reference 01, is hereby affirmed. Mr. Rupprecht was discharged for misconduct in connection with his employment. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw