

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL HALMA**  
Claimant

**APPEAL NO. 12A-UI-01188-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**INFORMATION PROVIDERS INC**  
Employer

**OC: 12/04/11**  
**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The claimant, Daniel Halma, filed an appeal from a decision dated January 23, 2012, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on February 28, 2012. The claimant participated on his own behalf and with Billy Dohrman. The employer, Information Providers, did not provide a telephone number where a witness could be contacted and did not participate.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Daniel Halma was employed by Information Providers from March 2009 until December 7, 2011 as a full-time auditor. His job entailed sending questionnaires to client businesses, which they would fill out with information such as inventory, attendance and other matters. This audit was done on behalf of insurance companies. After receiving the information from the businesses, it was Mr. Halma's responsibility to enter the information into the computer system.

In May 2010 he had received a verbal warning from Supervisor Aaron Wieberg because many of his audits were being returned for inaccuracies. On October 15, 2011, he received a written warning from Lead Auditor Clay Gentile. That warning also talked about the number of returned audits, as well as audits being disputed by the businesses for inaccuracies, and that he was sending in too many audits at the last minute, causing a backlog in the department that did the verification. The warning told him job was in jeopardy if there were any other problems.

On December 7, 2011, the claimant was discharged by Mr. Wieberg because two of his audits had been disputed by the businesses due to inaccurate information being typed into the computer data base by Mr. Halma.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

The claimant had been advised his job was in jeopardy as a result of his failure to perform his work duties accurately. The final incidents of disputed audits was not an isolated incident but a problem with some history. The claimant was capable of doing his job to the satisfaction of the employer, as he improved after the initial warning in May 2010, but again got into bad work habits, creating the same problems.

Failure to work to the best of one's ability in the performance of regular, routine job duties is conduct not in the best interests of the employer. This is a violation of the duties and responsibilities the employer has the right to expect of an employee and constitutes misconduct. The claimant is disqualified.

**DECISION:**

The representative's decision of January 23, 2012, reference 01, is affirmed. Daniel Halma is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/kjw