

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MATTHEW D RINEHART
Claimant

APPEAL NO. 07A-UI-08979-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FARLEY'S & SATHERS CANDY CO INC
Employer

**OC: 08/26/07 R: 03
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Matthew Rinehart filed an appeal from a representative's decision dated September 18, 2007, reference 01, which denied benefits based on his separation from Farley's & Sathers Candy Co., Inc. After due notice was issued, a telephone conference hearing was held on October 8, 2007. The claimant participated. The employer elected not to participate.

ISSUE:

At issue in this matter is whether the claimant was discharged for misconduct in connection with his work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from April 1, 2007 until August 7, 2007 when he was discharged for gross insubordination. Mr. Rinehart was employed as a full-time machine operator and paid by the hour.

Mr. Rinehart was discharged from his employment based upon his conduct on July 30, 2007. On that date the claimant was confronted by supervisory personnel with respect to incomplete paperwork related to his job. Mr. Rinehart, who felt that he had received poor treatment from his supervisors after reporting an injury some weeks before, responded using vile and inappropriate language towards two different members of management. Based upon the claimant's demeanor and the vile inappropriate nature of the statements that he had made to management, a decision was made to terminate Mr. Rinehart from employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes, based upon the evidence in the record, that the claimant's discharge from employment took place under disqualifying conditions. While the evidence establishes that Mr. Rinehart had been dissatisfied because he believed that he had received unfair treatment from the company, the claimant's conduct and the vile and

inappropriate statements that he had made on July 30, 2007 cannot be justified by his dissatisfaction. In his own testimony Mr. Rinehart indicated the statements that he had made to management individuals on two occasions on July 30, 2007. Although the administrative law judge is aware that Mr. Rinehart felt that he had been treated inappropriately, the vulgarity and inappropriateness of the claimant's statements cannot be justified. Reasonable alternatives were available to Mr. Rinehart. The claimant's statements and insubordination showed a willful disregard for the employer's interests and standards of behavior and thus were disqualifying.

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.

For the reasons stated herein, the administrative law judge finds that the claimant was discharged for misconduct in connection with his work. Benefits are withheld.

DECISION:

The representative's decision dated September 18, 2007, reference 01, is hereby affirmed. The claimant was discharged for misconduct. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs