

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SAVANNAH N BROWN
Claimant

APPEAL NO. 090-UI-04909-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMPBELL OIL COMPANY INC
Employer

**OC: 05/18/08
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Savannah Brown (claimant) appealed a representative's February 6, 2009 decision (reference 04) that concluded she was not eligible to receive unemployment insurance benefits because she was discharged from work with Campbell Oil Company (employer) for conduct not in the best interest of the employer. A hearing was held on April 24, 2009, following due notice pursuant to Remand Order of the Employment Appeal Board dated March 26, 2009. The claimant participated personally. The employer was represented by John McKinney, Attorney at Law, and participated by Ann Johnson, Manager; Judy Hemphill, Supervisor/Manager; and Jennie Rogers, Office Clerk.

ISSUE:

The issue is whether the claimant was discharged for misconduct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 7, 2008 as a full-time manager. The employer has a corrective action form to issue employees as a warning. The employer did not issue the claimant any warnings during her employment. The claimant's books were short by over \$970.00 in October 2008. The claimant's books were long by over \$566.00 for November 2008. The claimant knew she was having problems with making the books balance even though the office clerk trained her in August 2008. She often asked for help from a subordinate who used to be the manager.

At the time the claimant was hired, the acting supervisor told the claimant she would have one week of vacation. In September 2008, the claimant told the employer that her boyfriend was coming home from Iraq from December 1 through 19, 2008, and she wanted to work partial days. Approximately two months later, on November 8, 2008, the employer met with the claimant. The claimant discovered she would have no vacation during her first year of employment and the acting supervisor's information was incorrect. The employer told the claimant it would work with the claimant during the boyfriend's leave so long as the claimant followed a schedule. The claimant prepared a schedule wherein she worked twenty hours per

week from December 1 through 19, 2008. She provided that schedule to her workplace and followed it.

On December 19, 2008, the day the boyfriend flew away, the employer telephoned the claimant and said she needed to be at work by noon. The claimant arrived at 11:30 a.m. At the end of December 2008, the employer found that the claimant's books were short by over \$250.00.

On January 6, 2009, the employer prepared a termination to give to the claimant that said the claimant did not provide a schedule to the employer for the time off in December 2008, the claimant took time off in December 2008, the claimant did not complete her ordering, was careless with her books, failed to follow the employer's policies, and was messy. The employer did not give the termination to the claimant because the claimant properly reported she would be late for work that day due to illness. The employer told the claimant she was terminated over the telephone.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal number 09A-UI-02078-ST are adopted and incorporated herein as if set forth at length.

DECISION:

The representative's February 6, 2009 decision (reference 04) is reversed. The employer has not met its proof to establish job-related misconduct. Benefits are allowed.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css