

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WAYNE E KLAPPRODT**  
Claimant

**APPEAL NO. 09A-UI-04953-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GUNTREN EXPRESS INC**  
Employer

**OC: 02/22/09**  
**Claimant: Appellant (5)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

Wayne E. Klapprodt filed a timely appeal from an unemployment insurance decision dated March 24, 2009, reference 03, that disqualified him for benefits. After due notice was issued, a telephone hearing was held April 23, 2009 with Mr. Klapprodt participating on his own behalf. Owner Roger Guntren participated for the employer, Guntren Express, Inc. This matter is considered on a consolidated record with 09A-UI-04964-AT.

**ISSUE:**

Was the claimant discharged for misconduct?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: The claimant was employed as a team truck driver by Guntren Express, Inc. from October 19, 2007 until February 11, 2009. Before leaving for a run to Indianapolis, the claimant and his co-driver asked for three days off for personal business upon their return. Owner Roger Guntren did not approve or deny the request but said they would talk about it when they returned.

Upon return, Mr. Guntren told them that he had one more run that needed to be made. The claimant and his co-driver told Mr. Guntren that they intended to take the time off. Mr. Guntren told them to clean out the truck. They did so on February 11, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant was discharged for misconduct in connection with his employment. It does. While the testimony of the witnesses is not entirely consistent, the administrative law judge concludes from the testimony that the employment ended because the claimant insisted on taking time off rather than taking the run as instructed by the employer. While this could be viewed as a quit, the administrative law

judge characterizes the separation as a discharge upon a finding that it was the employer who instructed the claimant to clean out his truck.

Insubordination is one form of misconduct. The administrative law judge concludes that the claimant's refusal to take the run as instructed amounted to insubordination. Benefits are withheld.

**DECISION:**

The unemployment insurance decision dated March 24, 2009, reference 03, is modified. The claimant was discharged for misconduct in connection with his employment. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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