

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RAY M CARRIZALES**

Claimant

**APPEAL NO. 09A-UI-18811-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**

Employer

**Original Claim: 05/17/09**

**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Ray Carrizales filed an appeal from a representative's decision dated December 3, 2009, reference 04, which denied benefits based on his separation from DES Staffing Services, Inc. (DES). After due notice was issued, a hearing was held by telephone on February 1, 2010. Mr. Carrizales participated personally. The employer participated by Amy Potratz, Human Resources Manager, and Terri Ziegler, Manager.

**ISSUE:**

At issue in this matter is whether Mr. Carrizales 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. Carrizales was employed by DES from June 1 until November 9, 2009 as a full-time outside sales consultant. His job was to make contacts to generate business on behalf of the employer. Part of his job was to submit daily reports outlining his activities.

Mr. Carrizales received a verbal warning on September 29 because he was delinquent in his daily reports. He had submitted only some of the required reports during the preceding two weeks. He received an additional verbal warning on October 23. At that point, he had not submitted reports for October 5, 8, 12, 15, 16, and the week of October 19 through 23. He did not identify any problems he was experiencing in submitting the reports timely. Mr. Carrizales received a written warning concerning delinquent reports on October 26. He was told he would have to submit daily reports from that point forward.

Mr. Carrizales did not submit daily reports for October 28 and 29. He worked away from the office November 3 and was out of the office from November 4 through 6. He was discharged upon his return on November 9. The failure to submit his paperwork timely was the sole reason for the 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. Carrizales was discharged due to his repeated failure to submit daily paperwork as required. He received two verbal warnings that should have been sufficient to put him on notice that the continued failure could result in the loss of his employment. If he was having difficulty meeting the employer's standards, he had an obligation to so notify his supervisor so that steps could be taken to assist him.

Mr. Carrizales was warned in writing on October 26. In spite of the warning, some of his daily reports were still delinquent as of the date of discharge. The evidence of record does not establish any good cause for the failure to submit daily paperwork as required. The continued failure to submit the paperwork after repeated warnings constituted a substantial disregard of the standards the employer had the right to expect. It is concluded, therefore, that disqualifying misconduct has been established. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated December 3, 2009, reference 04, is hereby affirmed. Mr. Carrizales was discharged for misconduct in connection with his employment with DES. 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.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw