

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY J ELLIOTT
Claimant

APPEAL NO. 13A-UI-08962-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXIDE TECHNOLOGIES
Employer

OC: 06/23/13
Claimant: Appellant (1)

Section 96.5-2-a – Discharge/Misconduct

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated July 25, 2013, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on September 9, 2013. The claimant participated. The employer participated by Mr. Tim Guyer, Human Resource Manager. Employer's Exhibits A, B, C and D were received into evidence.

ISSUE:

The issue in this matter is whether the claimant was discharged for misconduct.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Timothy Elliott was employed by Exide Technologies from March 9, 2012 until June 25, 2013 when he was discharged from employment. Mr. Elliott was employed as a quality auditor and was paid by salary as a non-exempt employee. His immediate supervisor was Justin Pillard.

Mr. Elliott was discharged on June 25, 2013 when the employer determined that Mr. Elliott had submitted an assembly quality checklist for "line one" on Saturday, June 22, 2013 indicating that he had done product quality tests on batteries and equipment on that line although no batteries were produced that day and line one was not running. The employer reasonably concluded that Mr. Elliott had falsified the checklists as he had not physically checked the batteries. although he had marked them as acceptable. Because quality assurance is important to the company and the claimant's job was to check and accurately report the quality of product being produced, the employer considered the matter to be very serious and discharged Mr. Elliott from employment.

It is the claimant's position that his practice was to go and fill out checklist sheets on each line and to later return to the office area to complete a final copy of the quality auditor's checklist for each line. It is the claimant's position that he had inadvertently forgot that line number one was not running and therefore the checklist indicating that he had performed a quality assurance

check was submitted for a line that had not been running. It is the claimant's further position that that is the practice followed and that he followed the training given to him at hire.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes misconduct sufficient to warrant the denial of unemployment insurance benefits. It does.

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 employer has the burden of proof in this matter. See Iowa Code section 96.6-2. Misconduct must be substantial in order to justify a denial of unemployment benefits. Misconduct serious enough to warrant the discharge of an employee may not necessarily be serious enough to warrant a denial of unemployment insurance benefits. See Lee v. Employment Appeal Board, 616 N.W.2d 661 (Iowa 2000). The focus is on deliberate, intentional or culpable acts by the employee. See Gimbel v. Employment Appeal Board, 489 N.W.2d 36, 39 (Iowa Ct. App. 1992).

In this matter the claimant was discharged after the employer reasonably concluded that Mr. Elliott had not followed the requirements of his job by personally checking equipment and batteries on each production line and correctly recording whether or not each battery and each piece of equipment on the line was properly functioning on the day that he personally tested the

batteries and equipment. The claimant submitted a quality assurance checklist showing that he had checked equipment and batteries on line one and that they were acceptable, although line one was not running that day and the claimant could not have checked the batteries or the equipment on that line. The administrative law judge finds that the claimant's conduct was a willful disregard of the employer's interests and standards of behavior that an employer had a right to expect of its employees under the provisions of the Employment Security Law. The administrative law judge concludes that the claimant was discharged for willful failure to follow the employer's reasonable job expectations.

Although the administrative law judge is cognizant that Mr. Elliott has a number of explanations for submitting a completed checklist for a line that did not run, the administrative law judge concludes that the claimant's explanations strain credibility. The administrative law judge finds that the employer has sustained its burden of proof in establishing disqualifying job misconduct. Benefits are withheld.

DECISION:

The representative's decision dated July 25, 2013, reference 01, is affirmed. The claimant is disqualified. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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