

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA J SCHIPPER
Claimant

APPEAL NO. 08A-UI-10669-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP INC
Employer

**OC: 10/12/08 R: 02
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 10, 2008, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on December 2, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Clinton McElwee participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked for the employer as an assistant manager from July 27, 2002, to October 14, 2008. She was informed and understood that under the employer's work rules, employees were not allowed to ring up members of their household or close relatives. The employer had reinforced its policy several times with the claimant.

On October 7, 2008, the claimant's husband and adult sons came into the store. The claimant rang up one of her son's purchases and allowed him to return a beverage that he could not purchase with food stamps. There was no other cashier on duty at that time and the claimant handled the transactions because she was convinced her son would have made a scene if she had not done it.

The store manager found the return by the claimant's son and reviewed the video of the cash register on that day. He discovered the claimant had rung up a purchase for her son. On October 14, 2008, the store manager discharged the claimant for willfully violating the employer's policy against ringing up purchases for family members.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant's violation of a known work rule was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case. I sympathize with the situation the claimant's son put her in and believe he is largely to blame for his selfish and irresponsible action, but the claimant knew she was violating company policy when she rang him up.

DECISION:

The unemployment insurance decision dated November 10, 2008, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css