

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BEVERLY S MASON
Claimant

US POSTAL SERVICE
Employer

APPEAL NO. 14A-UI-11533-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/28/14
Claimant: Respondent (1)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated October 22, 2014, reference 02, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on November 26, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Jacqueline Harris participated in the hearing on behalf of the employer with witnesses Sarah McDonald and Mary Cooper.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked as a substitute city mail carrier from July 12, 2014 to August 16, 2014. The employer determined that the claimant's job performance was unsatisfactory because (1) she missed scanning some mail on August 2 and 9, (2) she did not always park her vehicle and deliver mail around and back to the vehicle as she had been trained but instead drove the vehicle house to house, and (3) she locked her keys in the vehicle on August 16 and did not finish her route in a timely fashion. Because of the conduct set forth above, the employer discharged the claimant on August 21, 2014. The claimant performed her work to the best of her ability and her deficiencies were not deliberate.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base-period employer on the claim.

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).

While the employer may have been justified in discharging the claimant, work-connected misconduct as defined by the unemployment insurance law has not been established. No willful and substantial misconduct has been proven in this case. The negligence was not to the degree of recurrence that it equals willful misconduct in culpability. At most, the evidence shows unsatisfactory conduct, not disqualifying misconduct.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base-period employer on the claim.

DECISION:

The unemployment insurance decision dated October 22, 2014, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/can