

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RAUL RUIZ**  
Claimant

**APPEAL NO. 10A-UI-14183-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EMPLOYER'S SERVICE BUREAU INC**  
Employer

**OC: 08/22/10**  
**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Raul Ruiz filed an appeal from a representative's decision dated October 11, 2010, reference 02, which denied benefits based on his separation from Employer's Service Bureau, Inc. (ESB). After due notice was issued, a hearing was held by telephone on November 29, 2010. Mr. Ruiz participated personally. The employer participated by Joe Rausenberger, Superintendent. Exhibits One through Four were admitted on the employer's behalf.

**ISSUE:**

At issue in this matter is whether Mr. Ruiz 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. Ruiz began working for ESB on December 15, 2009 and worked full time as a laborer. He was discharged for leaving the production line without permission in violation of a known work rule on September 11, 2010. Workers are required to seek permission and/or be relieved from duties before leaving.

Mr. Ruiz was not relieved from his duties when he left the production line on September 11. Both the coordinator and the assistant coordinator looked for him but could not locate him for a period of at least ten minutes. The locker room, break areas, and restrooms were checked but he was not in those locations. When he returned to his workstation, he was asked by the assistant coordinator where he had been and he said in the restroom. Mr. Ruiz was sent home later as a result of continued poor job performance during the shift. He did not report for work or contact the employer on his next scheduled workday, September 13. He left a voice message for the superintendent on the afternoon of September 14, which was returned on September 15. Mr. Ruiz was verbally notified of his discharge at that time. The above incident 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. Ruiz violated a known work rule when he left his workstation without permission and without being relieved by another worker. His conduct had the potential of hampering production as the employer had no warning that he needed to be replaced on the production line. Although he told the assistant coordinator that he had been in the restroom, he was not there when the area was checked. At any rate, he was required to be relieved on the line even if going to the restroom.

Mr. Ruiz' conduct was the same as walking off the job even though he was only gone a short time. His conduct constituted a substantial disregard of the standards he knew the employer expected of him as outlined in the work rules. For the above reasons, it is concluded that disqualifying misconduct has been established. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated October 11, 2010, reference 02, is hereby affirmed. Mr. Ruiz was discharged by ESB for misconduct within the meaning of the law. 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

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