

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRADLEY T STEVENSON
Claimant

APPEAL NO. 13A-UI-05856-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CUSTOM-PAK INC – LP2
Employer

OC: 04/14/13
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 6, 2013, reference 02, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on July 1, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Andrea Lawrence participated in the hearing on behalf of the employer with a witness, Eric Hlubek.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a machinery designer from March 16, 2010, to April 11, 2013. Eric Hlubek was the claimant's supervisor.

Hlubek had warned the claimant several times about his negligent work performance, including not meeting project timeframes for drafting designs and sending them out for quotes. The claimant had performed these job duties properly in the past but starting in 2013, his work performance deteriorated. The claimant also missed scheduled meetings in 2013 with his supervisor that were to monitor his job performance. Hlubek discharged the claimant for repeated negligence in performing his job duties.

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 evidence establishes the claimant was repeatedly negligent in performing his job to the extent that he disregarded the employer's interests. Since the claimant was warned about his conduct and showed he was capable of performing his job properly in the past, his repeated negligence equals willful misconduct in culpability.

DECISION:

The unemployment insurance decision dated May 6, 2013, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs