

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARL WELCH**  
Claimant

**APPEAL NO. 09A-UI-16608-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EXPRESS INC OF IOWA**  
Employer

**Original Claim: 09/06/09  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)(a) - Discharge for Misconduct

**STATEMENT OF THE CASE:**

Carl Welch (claimant) appealed an unemployment insurance decision dated October 23, 2009, reference 01, which held that he was not eligible for unemployment insurance benefits because he was discharged from Heartland Express Inc. of Iowa (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 9, 2009. The claimant participated in the hearing. The employer participated through Lea Peters, Human Resources Generalist. Employer's Exhibit One was admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the employer discharged the claimant for work-related misconduct?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was employed as a full-time over-the-road truck driver from October 31, 2001 through September 3, 2009. He signed a receipt for the employer's rules and regulations on October 30, 2001. The confirmation document confirmed that he had read and understood the rules and regulations and agreed to be responsible for adhering to those rules and regulations. The confirmation statement also stated that the claimant understood and agreed to accept any future disciplinary action that may result from his actions in regard to the same rules and regulations. The employer's driver's manual provides that a driver may be terminated for allowing pets in company equipment.

On September 3, 2009, the claimant was at the Columbus, Ohio, terminal when the employer noticed that he had a dog in the truck with him. The employer discharged him at that time.

## REASONING AND CONCLUSIONS OF LAW:

The issue is whether the employer discharged the claimant for work-connected misconduct. A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a.

Iowa Code § 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 to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The claimant was discharged on September 3, 2009 for violation of a known company rule. He had a dog in the employer's truck even though the employer's driver's manual clearly states that a driver could be terminated for allowing a pet in company equipment. The claimant admitted he had his dog with him but claims that he was unaware of the policy prohibiting it. The claimant knew or should have known the employer's policies, particularly when violation of those policies will result in termination. The fact that this policy is clearly listed under the termination policy takes a single violation beyond a mere isolated instance of poor judgment and makes it an act of willful misconduct. The employer has met its burden. Work-connected misconduct as defined by the unemployment insurance law has been established in this case and benefits are denied.

**DECISION:**

The unemployment insurance decision dated October 23, 2009, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits, because he was discharged from work for misconduct. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw