

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CLAYTON J SANOW**

Claimant

**APPEAL NO. 12A-UI-12578-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**

Employer

**OC: 09/23/12**

**Claimant: Respondent (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated October 10, 2012, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on November 19, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Lynette Reekers participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked as a cashier for the employer from September 3, 2008, to August 14, 2012. The claimant was informed and understood that under the employer's work rules, he was required to ring up all purchases and was not to permit customers to take merchandise without paying for it.

On August 12, 2012, the claimant rang up the customer's gas but neglected to require the customer to pay for some food items. The customer later reported to management that the claimant had not charged her for food. The employer discharged the claimant for this on August 14, 2012. The claimant did not deliberately fail to ring up the food items.

**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. At most, the record shows isolated negligence, which is not disqualifying misconduct under the unemployment insurance law.

**DECISION:**

The unemployment insurance decision dated October 10, 2012, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/tll