

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**MICHELLE R GARRETT**  
Claimant

**APPEAL NO. 18A-UI-00010-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWIFT PORK COMPANY**  
Employer

**OC: 12/10/17**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Michelle Garrett (claimant) appealed a representative's December 27, 2017, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits after her separation from employment with Swift Pork Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 24, 2018. The claimant was represented by Brian Ulin, Union Representative, and participated personally. The employer was represented by Raul Ybanez, Hearings Representative, and participated by Chelsea Cornelius, Human Resources Manager, and Sandy Jordan, Loin Bone Supervisor. The employer offered and Exhibit 1 was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 30, 2015, as a full-time Cryovac Operator. The employer had a handbook but the claimant did not receive one. The employer talked to the claimant and issued her warnings in 2016, about her job performance and behavior. The employer notified the claimant that further infractions could result in termination from employment.

On December 11, 2017, a male supervisor tried a new procedure and gave the claimant new instructions. This did not work and product ended up on the floor. The claimant knew it was not working and left her station for ten minutes to look for a supervisor. A female supervisor approached the area and gave the claimant instructions to pick up the product from the floor. The claimant told the female supervisor she was not going to pick up the product. The female supervisor again issued the claimant the same instructions. The claimant refused. The female supervisor found a replacement worker for the claimant and accompanied her to the human resources department. The claimant's and the female supervisor's story were the same in most ways. The employer terminated the claimant for insubordination.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant was discharged for misconduct.

Repeated failure to follow an employer's instructions in the performance of duties is misconduct. *Gilliam v. Atlantic Bottling Company*, 453 N.W.2d 230 (Iowa App. 1990). An employer has a right to expect employees to follow instructions in the performance of the job. The claimant disregarded the employer's right by repeatedly failing to follow the employer's instructions. The claimant's disregard of the employer's interests is misconduct. As such the claimant is not eligible to receive unemployment insurance benefits.

**DECISION:**

The representative's December 27, 2017, decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits because the claimant was discharged from work for misconduct. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs