

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAUL S DOTY**  
Claimant

**APPEAL NO. 13A-UI-09786-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**UNITED STATES POSTAL SERVICE**  
Employer

**OC: 04/14/13**  
**Claimant: Respondent (6-R)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The employer, United States Postal Service (USPS), filed an appeal from a decision dated August 13, 2013, reference 04. The decision allowed benefits to the claimant, Paul Doty. After due notice was issued a hearing was held by telephone conference call on September 30, 2013. The claimant participated on his own behalf. The employer participated by Labor Relations Specialist Kyle Helm.

**ISSUE:**

The issue is whether the claimant is disqualified as a result of his separation.

**FINDINGS OF FACT:**

Both Paul Doty and United States Postal Service agree he was never an employee. He was separated from the Veterans Administration.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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 claimant was never an employee of United States Postal Service and there is no disqualifying issue between these parties.

**DECISION:**

The representative's decision of August 13, 2013, reference 04, is dismissed. The decision was issued in error with the wrong employer.

The issue of the claimant's separation from the Veterans Administration is remanded to the Agency for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs