

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARTY T RAINBOLT**  
Claimant

**APPEAL NO. 06A-UI-10000-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAIRFIELD ALUMINUM CASTING CO**  
Employer

**OC: 05/21/06 R: 03  
Claimant: Respondent (2)**

Section 96.5(2)a – Discharge  
Section 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

The employer, Fairfield Aluminum Casting Company (FAC) filed an appeal from a decision dated October 5, 2006, reference 01. The decision allowed benefits to the claimant, Marty Rainbolt. After due notice was issued, a hearing was held by telephone conference call on October 25, 2006. The claimant did not participate on his own behalf but offered testimony from witness Shirley Rainbolt. The employer participated by Human Resources Assistant Angie Jones and Supervisor John Larue.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Marty Rainbolt was employed by FAC from February 10, 2000 until August 16, 2006. He was a full-time core maker. At the time of hire the claimant received a copy of the plant work rules. One section of the rules notifies employees they are subject to immediate discharge for any damage to company property.

On August 4, 2006, Supervisor John Larue assigned a core machine to one of the workers. The worker discovered a part of the machine, a blow board, had been glued to the machine with silicon. This is not standard procedure for the core room operation. The removal of the board from the machine caused damage to the board, to the machine, and resulted in the loss of two hours of production. Mr. Larue knew the claimant had been assigned that machine the day before and he questioned him the next day. Mr. Rainbolt admitted he had glued the blow board onto the machine because it was “blowing out sand.”

Mr. Rainbolt was suspended for seven days pending an investigation into the incident. The lead person and other workers were interviewed to establish it was not standard or acceptable procedure to glue the blow boards onto the machine. The claimant was notified of his discharge at the end of the suspension period by Mr. Larue.

Marty Rainbolt has received unemployment benefits since filing a claim with an effective date of May 21, 2006.

**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 damaged the employer's equipment by attaching the blow board to the machine. This was done without instruction or permission, and resulted in damage to equipment and loss of production time. This was a violation of a known company rule and conduct not in the best interests of the employer. The claimant is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be

credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which he is not entitled. These must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's decision of October 5, 2006, reference 01, is reversed. Marty Rainbolt is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible. He is overpaid in the amount of \$3,490.00.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw