

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CURTIS W BLUNK**  
Claimant

**APPEAL NO. 09A-UI-10741-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**UNITED PARCEL SERVICE**  
Employer

**Original Claim: 06/21/09  
Claimant: Appellant (1)**

Section 96.5(2)a - Discharge

**STATEMENT OF THE CASE:**

The claimant, Curtis Blunk, filed an appeal from a decision dated July 23, 2009, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on August 12, 2009. The claimant participated on his own behalf and with Johnathon Anthony. The employer, UPS, participated by District Human Resources Manager Vince Blood and Security Supervisor Jeremy Samuelson.

**ISSUE:**

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

**FINDINGS OF FACT:**

Curtis Blunk was employed by UPS from January 1, 1981 until June 24, 2009 as a full-time on-road supervisor. As a supervisor, he was required by the employer and the department of transportation to do safety training on all his subordinates and do an annual "safety ride." The latter entailed Mr. Blunk to ride with a driver and do an evaluation to make sure the driver is in compliance with safety regulations. This is to be done every 12 months.

The claimant was on vacation and his supervisor, Eric Griffin, was in his facility checking on documentation in June 2009. It was discovered the safety ride documentation had been falsified on several drivers going back as far as 2007. Mr. Blunk had taken the form from a prior year, altered the date, and filed it as a current safety form. This is a falsification of company documents and exposed the employer to penalties and fines from the department of transportation and OSHA, as well as potentially increasing any liability if one of the drivers had been involved in a serious accident. In addition, the employer went to the added expense to send trainers to that facility to do the safety ride on each of the drivers to make sure the safety training was current.

The claimant was interviewed by the security personnel and admitted he had falsified the documents on the safety training. He stated the problem was one of his inside staff had broken

her leg and was not able to do as many of her job duties as before and he was trying to do those duties in addition to his own. He also indicated his father had died in January 2009 and he got behind due to having to attend grief counseling. But that did not explain why the safety documentation was not done in 2007 or 2008. He also did not explain why he did not go to his supervisor to ask for help when he realized he was not able to keep current on the safety training. Help would have been provided to him by the employer had he simply notified his supervisor of his need for assistance.

He further maintained he was starting to “catch up” on his work, but it was not possible for him to go back in time and do the required safety ride on his drivers that had been missed for at least a year. The employer discharged him on June 24, 2009.

#### **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 aware his job responsibilities included the safety training and safety ride for all his drivers. He not only failed to keep this current but deliberately falsified company documents, exposing the employer to serious legal and financial penalties, as well as added expense to go to the facility he managed and train all the drivers to make sure their safety requirements were up to date. This is a violation of the duties and responsibilities the employer has the right to expect of an employee and conduct not in the best interests of the employer. The claimant is disqualified.

**DECISION:**

The representative's decision of July 23, 2009, reference 01, is affirmed. Curtis Blunk is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw