

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY C SCHLEMMER
Claimant

APPEAL NO. 09A-UI-03532-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AMERICAN BUILDING MAINTENANCE CO
OF KENTUCKY**
Employer

**OC: 01/25/09
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 23, 2009, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on March 31, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer from July 31, 2003, to January 28, 2009. In February 2007, she was promoted to the position of accounting clerk.

On January 28, 2009, the employer discharged the claimant because it was dissatisfied that there were several overdue bills with vendors. The claimant performed her job to the best of her ability and never deliberately failed to pay overdue bills from vendors. In some instances, the necessary documentation for payment had not been received. On one of the bills in question, she had been instructed by her supervisor not to pay the bill.

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).

No willful and substantial misconduct has been proven in this case. The claimant is qualified to receive benefits.

DECISION:

The unemployment insurance decision dated February 23, 2009, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css