

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CAROLE A WINGFIELD**  
Claimant

**APPEAL NO. 09A-UI-01777-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BALS EATERIES INC**  
Employer

**OC: 01/04/09 R: 02  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated January 26, 2009, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on February 25, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Stacie Bellman. Sarah Staub participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked for the employer as a restaurant worker from March 2008 to July 31, 2008. She was informed and understood that under the employer's work rules, employees were not allowed to drink alcohol during their work shift.

On July 30, 2008, the claimant willfully violated the employer work rule by drinking alcohol at a nearby Mexican restaurant and then returning to work. A customer complained to management that he believed the claimant had been drinking on duty.

On July 31, 2008, the employer discharged the claimant for violating the work rule against drinking during her work shift and because of concerns about how some refunds had been handled.

**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).

The claimant's violation of a known work rule was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

**DECISION:**

The unemployment insurance decision dated January 26, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw