

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**JONI L FEDERSPIEL**  
Claimant

**APPEAL NO: 18A-UI-08068-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RYDER INTEGRATED LOGISTICS INC**  
Employer

**OC: 06/24/18**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 19, 2018, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 17, 2018. The claimant participated in the hearing. Jenna Tate, Human Resources Representative and Thomas Kuiper, Employer Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the employer discharged the claimant for work-connected misconduct.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer logistics supervisor for Ryder Integrated Logistics, Inc. from July 16, 2012 to June 14, 2018. She was discharged for violating the workplace code of conduct.

On June 7, 2018, the claimant and an employee were on the warehouse floor and had a conversation that escalated into an argument. The employee reported the claimant yelled at him and made demeaning and degrading comments to him in violation of the employer's harassment policy. The claimant accused the other employee of being immature, said he was not acting his age and that he was not needed on her committee. Other employees who witnessed the claimant's behavior stated she was using a loud tone of voice and was intimidating and the employee she spoke to in that manner had to seek medical treatment for an anxiety attack. The employer conducted an investigation and all the witnesses separately confirmed what the victim told the employer.

The claimant received a final written warning December 18, 2017, for speaking to a member of management in a hostile manner using an elevated and aggressive tone of voice December 15, 2017, during a steering committee meeting in front of 12 subordinates. Also on December 15, 2017, the claimant was witnessed speaking to another member of management in a loud and accusatory tone of voice. She signed the written warning and was sent home on suspension for

the remainder of the day. The warning stated that any further violations of the code of conduct would result in termination.

After the employer investigated and reviewed the final incident June 7, 2018, in conjunction with the December 18, 2017, written warning, it terminated the claimant's employment.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

Iowa Code section 96.5(2)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 disqualification shall continue 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.

Iowa Admin. Code r. 871-24.32(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.

This definition has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. *Huntoon v. Iowa Dep't of Job Serv.*, 275 N.W.2d 445, 448 (Iowa 1979).

The employer has the burden of proving disqualifying misconduct. *Cosper v. Iowa Department of Job Service*, 321 N.W.2d 6 (Iowa 1982). A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged him for reasons constituting work-connected misconduct. Iowa Code section 96.5-2-a. Misconduct that disqualifies an individual from receiving unemployment insurance benefits occurs when there are deliberate acts or omissions

that constitute a material breach of the worker's duties and obligations to the employer. See 871 IAC 24.32(1).

The claimant displayed a pattern of speaking to co-workers, subordinates and members of management inappropriately, unprofessionally, and disrespectfully. She received a final written warning and was suspended for the remainder of the day December 18, 2017, but despite that warning the claimant's behavior continued.

Under these circumstances, the administrative law judge concludes the claimant's conduct demonstrated a willful disregard of the standards of behavior the employer has the right to expect of employees and shows an intentional and substantial disregard of the employer's interests and the employee's duties and obligations to the employer. The employer has met its burden of proving disqualifying job misconduct. *Cosper v. IDJS*, 321 N.W.2d 6 (Iowa 1982). Therefore, benefits are denied.

**DECISION:**

The July 19, 2018, reference 01, decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn