

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KEVIN D WREN**  
Claimant

**APPEAL NO: 12A-UI-10594-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OPTIMAE LIFESERVICES INC**  
Employer

**OC: 07/29/12  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's August 24, 2012 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had been discharged for disqualifying reasons. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in April 2010. The employer hired the claimant to work as a full time community service staffer. His job required him to transport consumers. The claimant understood his job required him to possess a valid driver's license.

During his employment, the claimant paid off traffic tickets. He understood his traffic tickets had been paid off. He did not take into account interest or other fees or penalties that were added to his traffic tickets.

In May 2012, the claimant started receiving bills for \$400, the amount he had not yet paid on his outstanding traffic fines. The claimant did not pay off this amount because he did not have the money and assumed he had already paid off his traffic fines. On July 29, 2012, the claimant received notice from the Department of Transportation that his license was suspended until he paid the off the balance of his unpaid traffic fines. The claimant informed the employer on August 1 that his driver's license had been suspended.

The employer discharged the claimant on August 1 because his job required him to possess a valid driver's license. The claimant understands that when his license is reinstated, the employer will rehire him if there is a job available.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. An intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant knew his job required him to possess a valid driver's license. The claimant's failure to pay off or make arrangements to pay off \$400 to the Department of Transportation so his license would not be suspended amounts to an intentional disregard of the standard of behavior the employer had a right to expect from him. For unemployment insurance purposes, the claimant committed work-connected misconduct by failing to take the necessary action to prevent his license from being suspended. As of July 29, 2012, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's August 24, 2012 determination (reference 01) is affirmed. The claimant committed work-connected misconduct when he failed to take the necessary steps to pay off his outstanding traffic fines so his license would not be suspended. The claimant is disqualified from receiving unemployment insurance benefits as of July 29, 2012. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/pjs