

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EMIN PURIC**  
Claimant

**APPEAL NO: 10A-UI-00071-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RYDER INTEGRATED LOGISTICS INC**  
Employer

**OC: 12/28/08**  
**Claimant: Appellant (1/R)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a representative's December 23, 2009 decision (reference 06) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant had been discharged for disqualifying reasons. A telephone hearing was held on February 11, 2010. The claimant did not respond to the hearing notice or participate in the hearing. Ellen Heuer and Ryan Springer, the customer logistics manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on September 3, 2008. He worked as a full time warehouseman. Springer supervised the claimant. The claimant's primary job was to pick parts that were to be sent to customers.

On May 30, 2009, the claimant received his first written warning. The claimant received the written warning because he did not pick the right part. In addition to receiving a written warning the employer had a lead person retrain the claimant on the correct procedure to verify the material he had picked was correct and was what the customer had ordered.

The claimant received a second warning on September 21, 2009. He received this written warning because he did not send the right quantity to a customer. Again, the employer retrained the claimant on the procedures he needed to follow to do his job correctly. On October 23, the claimant picked the wrong material for a customer. This error was not discovered until November 11, 2009. The employer gave the claimant his third written warning for this error. The employer also suspended the claimant for three days and warned him that if he had another picking error he would be discharged. When claimant returned from his suspension, the employer again retrained him on November 18. A lead person checked over some of the claimant's work, but could not check all of his orders.

On November 18, the claimant sent a customer the wrong tractor part. Again, the claimant did not follow the employer's procedure to match the part number on the transfer order to the number on the supply label. Every time the employer asked the claimant how he made a mistake, the claimant indicated he did not know. Since the claimant had gone through the employer's progressive disciplinary procedure, the employer discharged the claimant on November 19, 2009, for failing to pick the correct materials.

The claimant reopened his claim for benefits during the week of November 15, 2009. He has filed for and received benefits since November 15.

**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 section 96.5-2-a. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is 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 are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

Given the number of times the employer retrained the claimant to follow the correct procedure; the evidence establishes the employer discharged the claimant for work-connected misconduct. As of November 15, 2009, the claimant is not qualified to receive benefits.

An issue of overpayment will be remanded to the Claims Section to determine.

**DECISION:**

The representative's December 23, 2009 decision (reference 06) is affirmed. The employer discharged the claimant for work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of November 15, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. An issue of overpayment is remanded to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs