

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES J KETCHAM
Claimant

APPEAL NO. 13A-UI-06717-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PRAIRIE MEADOWS RACETRACK
& CASINO**
Employer

OC: 05/12/13
Claimant: Respondent (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated May 31, 2013, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on July 10, 2013. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Pam Anderson 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 as a valet from April 25, 2011, to May 11, 2013.

On May 8, 2013, a woman was sent to the valet dispatcher when she falsely claimed she had lost her valet ticket. The woman had learned the number for the car when it had been mistakenly brought up before and the number was announced. She convinced the dispatcher that she was the owner of the car so the dispatcher had the claimant bring the car up. The claimant asked for the ticket, but the woman repeated that she had lost the ticket but she had gotten the matter cleared with the dispatcher. The claimant negligently allowed the woman to take the car without contacting a supervisor or asking for identification. The car did not belong to the woman, and therefore, the car was stolen.

The employer discharged the claimant on May 16, 2013, for giving the car to the woman without contacting a supervisor or asking for identification.

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 was discharged for an isolated instance of negligence not willful misconduct. He is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

DECISION:

The unemployment insurance decision dated May 31, 2013, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css