

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LONNISHA M ROBINSON
Claimant

APPEAL NO: 12A-UI-04612-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RYDER INTEGRATED LOGISTICS INC
Employer

**OC: 12/25/11
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

Lonnisha M. Robinson (claimant) appealed a representative's April 11, 2012 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Ryder Integrated Logistics, Inc. (employer). After hearing notices were mailed to the parties' last known addresses of record, a telephone hearing was held on May 15, 2012. The claimant participated in the hearing. Ellen Heur appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant discharged for work-connected misconduct?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on September 22, 2011. She worked full time as material handler at the employer's Waterloo, Iowa warehouse on the second shift. Her last day of work was March 6, 2012. The employer discharged her on March 8. The stated reason for the discharge was being off premises on work time without authorization and without making a proper report.

The claimant's shift began at 3:00 p.m. On March 5 the claimant left the premises at about 5:00 p.m. and did not return until about 6:00 p.m. She then approached her supervisor and indicated she did not feel well, and asked to leave early. She then left the facility at about 6:30 p.m.

The claimant had failed to bring her security badge to work on March 5, so she was keeping track of her time on a paper form. Since she did not have her badge, she did not clock out

when she left at 5:00 p.m., and since she was still clocked in and had not advised her supervisor that she was going to leave or why, he did not know that she had gone on break. When she turned in her paper to the supervisor before leaving that day, she had written only the start time of 3:00 p.m. and her out time of 6:30 p.m. She testified that she had left at 5:00 p.m. on what she had intended to be her 30 minute meal break, that she had gone home thinking she would feel better after eating, but then had become more ill, so had been late in returning. She did not call the employer to report that she would be delayed returning from her meal break, and upon her return, she did not inform her supervisor that she had taken a meal break or that she had been delayed in returning from the break. When the employer discovered that the claimant had in fact been absent from the facility for the hour long period without receiving authorization and without properly reporting it, it discharged the claimant.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a. Before a claimant can be denied unemployment insurance benefits, the employer has the burden to establish the claimant was discharged for work-connected misconduct. *Cosper v. IDJS*, 321 N.W.2d 6 (Iowa 1982); Iowa Code § 96.5-2-a.

In order to establish misconduct such as to disqualify a former employee from benefits an employer must establish the employee was responsible for a deliberate act or omission which was a material breach of the duties and obligations owed by the employee to the employer. 871 IAC 24.32(1)a; *Huntoon v. Iowa Department of Job Service*, 275 N.W.2d 445 (Iowa 1979); *Henry v. Iowa Department of Job Service*, 391 N.W.2d 731, 735 (Iowa App. 1986). The conduct must show a 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. 871 IAC 24.32(1)a; *Huntoon*, supra; *Henry*, supra. In contrast, 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. 871 IAC 24.32(1)a; *Huntoon*, supra; *Newman v. Iowa Department of Job Service*, 351 N.W.2d 806 (Iowa App. 1984).

The claimant's failure to obtain authorization and even more critically her failure to properly report her time of absence from the facility shows a willful or wanton disregard of the standard of behavior the employer has the right to expect from an employee, as well as an intentional and substantial disregard of the employer's interests and of the employee's duties and obligations to the employer. The employer discharged the claimant for reasons amounting to work-connected misconduct.

DECISION:

The representative's April 11, 2012 decision (reference 01) is affirmed. The employer discharged the claimant for disqualifying reasons. The claimant is disqualified from receiving unemployment insurance benefits as of March 8, 2012. This disqualification continues until the claimant has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css