

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JERRY T SHADID  
PO BOX 193  
CLINTON IA 52733

PEOPLE 2.0 GLOBAL INC  
780 E MARKET ST #120  
WEST CHESTER PA 19382

Appeal Number: 05A-UI-08097-CT  
OC: 07/10/05 R: 04  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Jerry Shadid filed an appeal from a representative's decision dated August 2, 2005, reference 01, which denied benefits based on his separation from People 2.0 Global, Inc. After due notice was issued, a hearing was held by telephone on August 24, 2005. Mr. Shadid participated personally. The employer participated by Jane Brown, Human Resources Representative.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Shadid began working with People 2.0 Global,

Inc., a temporary placement firm, in October of 2004. On April 5, 2005, he began a long-term, full-time assignment with Skyline Center. He was released from the assignment on July 12, 2005 because of verbal altercations with a coworker. The decision was made not to place him on further assignments.

On July 12, Mr. Shadid became angry because a coworker, Zach Van Dorn, was allowed to operate a machine and he was not. The supervisor explained that Mr. Van Dorn was operating a machine because he had started on a machine. The supervisor later observed Mr. Shadid again become angry towards Mr. Van Dorn. On this second occasion, he threw an empty tape roller at Mr. Van Dorn, striking him with it. As a result, Skyline Center requested his removal.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Shadid was separated from employment for any disqualifying reason. He was discharged from employment with People 2.0 Global, Inc. because of his conduct at Skyline Center on July 12. He was admonished after the first verbal altercation with Mr. Van Dorn. In spite of the admonition, he again became angry towards him, this time striking him with an empty tape roller. Although the roller was of negligible weight, the employer had the right to expect that Mr. Shadid would not throw any items at coworkers. His conduct constituted disqualifying misconduct in light of the warning he had received earlier in the day. For the above reasons, benefits are denied.

#### DECISION:

The representative's decision dated August 2, 2005, reference 01, is hereby affirmed. Mr. Shadid was discharged for misconduct in connection with his employment. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/pjs