

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELA M BONNETT
Claimant

APPEAL NO. 10A-UI-05658-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SLB OF IOWA LC
Employer

OC: 10/05/08
Claimant: Respondent (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated April 9, 2010, reference 04, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on May 25, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Sheri Hlavacek participated in the hearing on behalf of the employer with a witness, John Sievers.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked as an associate for the employer from November 29, 2009, to January 2, 2010. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer if they were not able to work as scheduled.

On January 2, the claimant was scheduled to work at 9:00 a.m. At about 6:45 a.m. the claimant called the restaurant and informed a manager that she was going to be late for work because the car of the person who was to give her a ride to work would not start. She told the manager that she was going to have to take the bus to work and the bus did not run in her area until 8:30 a.m. This was the first time she had taken the bus to work. She ended up being about an hour late because she had transferred to the wrong bus at some point. She kept the employer informed about her situation. When she arrived at work the general manager discharged her. Prior to that day, the claimant had not been absent and was ten minutes late one day.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

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).

No willful and substantial misconduct has been proven in this case. The claimant did not report to work as scheduled but notified the employer about her transportation problems and reported as soon as was able to.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

DECISION:

The unemployment insurance decision dated April 9, 2010, reference 04, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css