

**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**

**DENNIS G JACOBSON  
51283 – 310<sup>TH</sup> ST  
SLATER IA 50224**

**MANPOWER INC OF DES MOINES  
517 – 5<sup>TH</sup> AVE  
DES MOINES IA 50309**

**Appeal Number: 04A-UI-02553-CT  
OC: 02/08/04 R: 02  
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:

Dennis Jacobson filed an appeal from a representative's decision dated March 4, 2004, reference 01, which denied benefits based on his separation from Manpower, Inc. of Des Moines. After due notice was issued, a hearing was held by telephone on March 29, 2004. Mr. Jacobson participated personally. The employer participated by Deb Malson, Area Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Jacobson began working through Manpower on January 13, 2003 and was assigned to work at Sauer-Danfoss on a full-time basis. On February 2, 2004, Bev Reilly, the on-site supervisor, asked to meet with Mr. Jacobson concerning his attendance. She wanted to meet with him during his break. Mr. Jacobson did not indicate that he would have any problem meeting with her or that he could not meet with her during his break. He told the Sauer-Danfoss supervisor that he did not intend to meet with Ms. Reilly as requested.

Mr. Jacobson made no attempt to meet with Ms. Reilly between February 2 and the date of his discharge, February 6. He did not notify anyone at Manpower that he was having problems with Ms. Reilly. Because of his failure to meet with the supervisor as directed, Mr. Jacobson was discharged.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Jacobson was separated from employment for any disqualifying reason. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct in connection with the employment. The employer had the burden of proving disqualifying job misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Jacobson was discharged for failing to meet with his supervisor as directed. He knew that Ms. Reilly was the Manpower on-site supervisor. He also knew that she wanted to discuss his unsatisfactory attendance with him. If Mr. Jacobson had concerns about meeting with Ms. Reilly, he had an obligation to advise someone in management at Manpower so that alternative arrangements could have been made. If he did not want to spend his break time meeting with Ms. Reilly, he had an obligation to arrange for a different time. His refusal to meet with the on-site supervisor constituted insubordination sufficient to establish a substantial disregard of the employer's standards. Accordingly, benefits are denied.

DECISION:

The representative's decision dated March 4, 2004, reference 01, is hereby affirmed. Mr. Jacobson 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/d