

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIAN GRAINGER
Claimant

APPEAL NO. 09A-UI-05298-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US BANK NATIONAL ASSOCIATION
Employer

OC: 03/01/09
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 25, 2009, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on April 30, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Kathy Nelson participated in the hearing on behalf of the employer. Exhibits One, Two, and A were admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as teller coordinator from February 7, 2006, to March 5, 2009. The claimant received a warning on May 28, 2008, for failing to follow company policy because he did not put an extended hold on some money orders that ended up being counterfeit. He received a final written warning on February 25, 2009, for failing to follow company policy because he did not put an extended hold on a fraudulent check.

The claimant was responsible for getting cash from the metal cash safe, which was located in cash vault of the main bank vault. He was also required to follow security procedures by making sure the safe and vaults were locked after every use. On January 23, the claimant neglected to lock the cash vault door. When it was discovered, his supervisors suspended him without pay for the afternoon. On February 19, an operations specialist doing an audit in the money discovered the claimant had left the metal cash safe unlocked overnight against company policy. The claimant was counseled about this and told that the cash safe had to be locked at all times when he was directly using it.

On March 5, 2009, the employer discovered the claimant had again left the metal cash safe unlocked, but this time during the day. The employer considered it a repeated violation of his security procedures and discharged the claimant that day.

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).

I do not believe the claimant deliberately violated company policy, but I conclude that the claimant's repeated negligent conduct in failing to following the employer's policies was negligence of such a degree of recurrence that it equals willful misconduct in culpability because of the potential harm caused by his conduct. Work-connected misconduct has been proven

DECISION:

The unemployment insurance decision dated March 25, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css