

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRENDA S SCHAFFER
Claimant

APPEAL NO. 10A-UI-05983-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 03/21/10
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 13, 2010, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on June 8, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Linda Cochran participated in the hearing on behalf of the employer. Exhibits One, Two, A, and B were admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked for the employer as an assistant manager from October 20, 2007, to March 23, 2010. She was informed and understood that under the employer's work rules, employees were not permitted to remove company property—including cash, merchandise, or supplies—without management authorization. This requirement also applied to outdated products. Linda Cochran, the store manager, was the claimant's supervisor.

The claimant took outdated salad dressing from the store without paying for the product or obtaining management approval on March 9, 2010. Cochran viewed this on surveillance video on March 18 and discharged the claimant for violating this rule on March 23, 2010.

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 section 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).

The claimant's violation of a known work rule was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case. The claimant presented evidence about Cochran allowing employees to take pastries that were outdated, but there is a clear difference as Cochran as store manager authorized it. The claimant never asked Cochran about the salad dressing.

DECISION:

The unemployment insurance decision dated April 13, 2010, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs