

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAMMY L HONADEL**  
Claimant

**APPEAL NO. 11A-UI-14056-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FOAM FABRICATORS INC**  
Employer

**OC: 10-02-11  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 19, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on November 21, 2011. The claimant did participate. The employer did participate through Nick Zaugg, Plant Manager. Employer's Exhibit One was entered and received into the record.

**ISSUE:**

Was the claimant discharged due to job connected?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a press operator full time beginning January 17, 2011 through September 15, 2011 when she was discharged. The claimant was instructed on how to correctly perform the job. She was to use a light to search for pinholes in the product. She had been seen previously not performing the job as instructed and was brought into the supervisor's office where she was again instructed on how to properly perform the job. The claimant argued that it was not necessary to use the light to search for pinholes, but it was not up to the claimant to decide the best way to perform the job duties. The claimant repeatedly failed to follow the instructions in performance of the job duties. The claimant had previously been suspended for three days on September 9 for failing to follow instructions in the performance of her job duties.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

Generally, continued refusal to follow reasonable instructions constitutes misconduct. *Gilliam v. Atlantic Bottling Company*, 453 N.W.2d 230 (Iowa App. 1990). It was not up to the claimant to decide how to best perform the job duties. She was instructed repeatedly to use the light to look for pinholes but did not do so. She was suspended previously for the same infraction. She knew or should have known her failure to perform the job duties as instructed was placing her job in jeopardy. Her failure to accurately perform her job duties after having been warned is evidence of conduct not in the employer's best interest to such a degree of recurrence as to rise to the level of disqualifying job related misconduct. Benefits are denied.

**DECISION:**

The October 19, 2011 (reference 01) decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs