

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRAVIS L NEFF
Claimant

APPEAL NO. 09A-UI-02453-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

A-LERT
Employer

OC: 01/25/09
Claimant: Appellant (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Travis Neff filed an appeal from a representative's decision dated February 13, 2009, reference 01, which denied benefits based on his separation from A-Lert. After due notice was issued, a hearing was held by telephone on March 11, 2009. The employer participated by Terry Geary, Foreman, and Julie Sumner, Employee Services Assistant. Mr. Neff was on the line at the onset of the hearing but either hung up or became disconnected at some point prior to giving testimony. The administrative law judge attempted to reconnect him but only received an answering machine. Mr. Neff has not contacted the Appeals Bureau concerning the matter.

ISSUE:

At issue in this matter is whether Mr. Neff was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Neff's last period of employment with A-Lert was from August 14 until November 3, 2008. He was employed as a full-time ironworker. He was discharged for leaving the job site without permission.

On October 31, Mr. Neff was working as a fire watcher. A fire watcher monitors hot work in order to sound an alarm if the work environment becomes explosive. One fire watcher is positioned at the top of a 90-foot tank and one is positioned at ground level. They are to sound an alarm if gasses accumulate while others are welding. The fire watchers are required to remain at their posts until relieved by an on-coming crew or permission to leave is granted. Mr. Neff was posted at the top of the tank on October 31 and left before being relieved by someone else or receiving permission from his foreman to leave. As a result, he was discharged on November 3, 2008.

REASONING AND CONCLUSIONS OF LAW:

Mr. Neff was discharged from employment. An individual who was discharged is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. Mr. Neff was discharged for leaving the job site early without permission. His job was to provide a warning to others in the event the site became hazardous. His failure to remain available could have compromised the health and safety of other workers.

Given the nature of his job, the administrative law judge concludes that Mr. Neff's conduct in leaving the job site early without permission constituted a substantial disregard of the employer's interests and standards. He did not participate in the hearing to offer any justification for his actions. For the reasons cited herein, benefits are denied.

DECISION:

The representative's decision dated February 13, 2009, reference 01, is hereby affirmed. Mr. Neff was discharged for misconduct in connection with his employment. Benefits are denied until 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.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs