

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**DION SPROLES**

Claimant

**RYDER INTEGRATED LOGISTICS INC**

Employer

**APPEAL NO. 14A-UI-04005-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/23/14**

**Claimant: Appellant (1)**

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Iowa Code § 96.5(2)(a) - Discharge for Misconduct

**STATEMENT OF THE CASE:**

Dion Sproles (claimant) appealed an unemployment insurance decision dated April 9, 2014, (reference 01), which held that he was not eligible for unemployment insurance benefits because he was discharged from Ryder Integrated Logistics, Inc. (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 6, 2014. The claimant participated in the hearing. The employer participated through Jordan Van Ersvelde, Customer Logistics Coordinator in Human Resources and Manager Monroe Tillman.

**ISSUE:**

The issue is whether the claimant was discharged for work-related misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time material handler from August 22, 2011, through March 18, 2014, when he was discharged for violation of a final warning. The employer's workplace violence policy prohibits profane or offensive language and vulgar or derogatory slurs. Profanity is not tolerated in the workplace. The claimant received a final written warning and a three-day suspension without pay on September 9, 2013, for using profanity on August 8, 2013. He knew his job was in jeopardy but used profanity towards a co-worker on March 17, 2014, when he said, "This mother fucker isn't scanning, he is an auditor!" The claimant was discharged on the following day.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the employer discharged the claimant for work-connected misconduct. A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-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. 871 IAC 24.32(1).

The employer has the burden to prove the discharged employee is disqualified for benefits for misconduct. *Sallis v. Employment Appeal Bd.*, 437 N.W.2d 895, 896 (Iowa 1989). The claimant was discharged on March 18, 2014, for violating a final written warning when he used profanity towards a co-worker. An employer has the right to expect decency and civility from its employees and an employee's use of profanity or offensive language in a confrontational, disrespectful, or name-calling context may be recognized as misconduct disqualifying the employee from receipt of unemployment insurance benefits. *Henecke v. Iowa Department of Job Service*, 533 N.W.2d 573 (Iowa App. 1995). Work-connected misconduct as defined by the unemployment insurance law has been established in this case and benefits are denied.

**DECISION:**

The unemployment insurance decision dated April 9, 2014, (reference 01), is affirmed. The claimant is not eligible to receive unemployment insurance benefits because he was discharged from work for misconduct. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs