

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SCOTT V LATSARAS**

Claimant

**APPEAL NO. 10A-UI-00272-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**

Employer

**Original Claim: 11/29/09**

**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Scott Latsaras filed an appeal from a representative's decision dated December 29, 2009, reference 01, which denied benefits based on his separation from Wal-Mart Stores, Inc. After due notice was issued, a hearing was held by telephone on February 16, 2010. Mr. Latsaras participated personally. The employer did not respond to the notice of hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Latsaras was employed by Wal-Mart from November of 2005 until December 2, 2009. He was employed full-time in maintenance. He was discharged due to insubordination. He refused to go outside to retrieve shopping carts as directed by an assistant manager. He refused because he did not believe she would send anyone out to assist him.

The employer did not have a cart attendant assigned to the overnight shift that Mr. Latsaras worked. He had been assigned the task of getting carts in the past and never complained that he did not feel it was part of his job. He had never been provided assistance in performing the task. The only disciplinary action he had received during his employment was due to his attendance.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Latsaras was discharged because he refused to follow a reasonable directive from a manager. He did not establish any good cause for his refusal. He was

physically capable of retrieving shopping carts and had performed the task in the past. If he did not feel the task was part of his job, he had an obligation to put the employer on notice of his position. Instead, Mr. Latsaras performed the job as requested in the past.

Inasmuch as Mr. Latsaras' refusal of December 2 was not for good cause or in good faith, it constituted insubordination. The employer had the right to expect that employees would perform reasonable tasks as directed by management. Mr. Latsaras' actions were clearly contrary to that expectation. For the reasons cited herein, it is concluded that disqualifying misconduct has been established and benefits are denied.

**DECISION:**

The representative's decision dated December 29, 2009, reference 01, is hereby affirmed. Mr. Latsaras was discharged for misconduct in connection with his employment with Wal-Mart. 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 is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw