

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANNA D JACKSON**  
Claimant

**APPEAL NO. 07A-UI-03371-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMPRO SERVICES INC**  
Employer

**OC: 02/18/07 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Anna D. Jackson (claimant) appealed a representative's March 27, 2007 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Temprow Services, Inc.(employer) would not be charged because the claimant had been discharged for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 18, 2007. The claimant participated in the hearing. Colleen McGuinty, the unemployment insurance administrator, and Natalie Pollidge, an account manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the employer discharge the claimant for work-connected misconduct?

**FINDINGS OF FACT:**

The employer assigned the claimant to a job on January 16, 2007. This assignment was for an indefinite time. The claimant's job started at 6:00 a.m.

On February 15, 2007, the employer talked to the claimant about her attendance. Since January 16, the claimant had been late for work seven times, she left work early once, and there were four other attendance occurrences. The employer warned the claimant that she had to report to work on time because working at this assignment was in jeopardy. The claimant did not sign a February 15, 2007 written warning because she knew she was unable to meet the conditions of continued employment at this assignment.

On February 16, the claimant was seven minutes late for work. On February 19, the claimant reported to work 15 minutes late. The claimant was late for work because she had continual car problems in cold weather. The claimant believed that if she punched in at 6:07 a.m., she would not be late for work. When the claimant was 15 minutes late for work on February 19, 2007, the employer ended the assignment because the client did not consider her a reliable or dependable employee.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

On February 15, 2007, the employer warned the claimant that her continued employment was in jeopardy because she repeatedly reported to work late. On February 15, the claimant declined to sign the written warning because she knew she could not fulfill the conditions of continued employment by reporting to work on time. There may have been some times a situation came up at the last minute that was beyond the claimant's control and prevented her from reporting to work as scheduled. However, the claimant's failure to take reasonable steps to get to work on time due to transportation issues amounts to an intentional and substantial disregard of the employer's interests. The employer discharged or ended the claimant's assignment for reasons constituting work-connected misconduct.

**DECISION:**

The representative's March 27, 2007 decision (reference 02) is affirmed. The employer discharged or ended the claimant's assignment for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of February 18, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw