

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EARL L LMORGAN-HEFT**

Claimant

**APPEAL NO. 10A-UI-14742-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EXPRESS INC OF IOWA**

Employer

**OC: 09/26/10**

**Claimant: Appellant (2)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Earl Morgan-Heft filed an appeal from a representative's decision dated October 15, 2010, reference 01, which denied benefits based on his separation from Heartland Express, Inc. of Iowa (Heartland). After due notice was issued, a hearing was held by telephone on December 13, 2010. Mr. Morgan-Heft participated personally. The employer participated by Leah Peters, Human Resources Generalist.

**ISSUE:**

At issue in this matter is whether Mr. Morgan-Heft 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. Morgan-Heft was employed by Heartland from April 24, 2002 until September 23, 2010 as an over-the-road driver. He was discharged as a result of an accident in Columbus, Ohio, on September 22, 2010.

Mr. Morgan-Heft was driving behind another semi. The other semi stopped to allow another vehicle to merge into traffic. At that point, Mr. Morgan-Heft rear-ended the semi in front of him. There was no damage to the other vehicle. There was at least \$9,400.00 in damages to the employer's vehicle. Mr. Morgan-Heft was cited by the police for tailgating. The employer considered the accident to have been preventable. The policy is that any preventable accident that results in damages over \$4,500.00 will result in discharge. The above matter was the sole reason for Mr. Morgan-Heft's September 23, 2010 discharge.

**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. Morgan-Heft was discharged after he rear-ended another vehicle.

The administrative law judge does not believe he deliberately or intentionally caused an accident with the employer's vehicle. However, he was negligent in not allowing stopping distance between his vehicle and the one in front of him on September 22.

Negligence constitutes disqualifying misconduct only if it is so recurrent that it manifests a substantial disregard for the employer's standards or interests. 871 IAC 24.32(1). A single act of negligence is not sufficient to establish disqualifying misconduct unless it is indicative of a deliberate disregard of the employer's interests. Henry v. Iowa Department of Job Service, 391 N.W.2d 731 (Iowa App 1986). Mr. Morgan-Heft's single incident of simple negligence does not indicate a deliberate disregard of the employer's interests. He worked for Heartland as a driver for over seven years and had no history of being negligent or careless when operating the employer's equipment.

The single act of negligence identified herein is not sufficient to establish disqualifying misconduct. While the employer may have had good cause to discharge Mr. Morgan-Heft, conduct that might warrant a discharge will not necessarily support a disqualification from job insurance benefits. For the reasons cited herein, benefits are allowed.

**DECISION:**

The representative's decision dated, reference October 15, 2010, reference 01, is hereby reversed. Mr. Morgan-Heft was discharged by Heartland but misconduct has not been established. Benefits are allowed, provided he is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css