

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD R BRUCE
Claimant

APPEAL NO. 17A-UI-05383-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

J & A PRINTING INC
Employer

OC: 04/23/17
Claimant: Appellant (1)

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Donald Bruce (claimant) appealed a representative's May 12, 2017, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits after his separation from employment with J & A Printing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 7, 2017. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. Exhibit D-1 was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on October 15, 2007, as a full-time delivery driver. When there were no deliveries, the claimant did other assigned work as needed. The claimant received the employer's handbook.

On April 17, 2017, the claimant was working on a machine when a delivery was needed. The employer sent out another employee to make the delivery. This upset the claimant and he walked off the job. The employer contacted the claimant and asked him to return. The claimant returned and completed his shift. On April 18, 2017, the employer sent the claimant a text asking if he was willing to operate a machine that day. The claimant told them he was not willing to work that day. On April 19, 2017, the employer terminated the claimant for failure to perform the assigned work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was discharged for misconduct.

Repeated failure to follow an employer's instructions in the performance of duties is misconduct. *Gilliam v. Atlantic Bottling Company*, 453 N.W.2d 230 (Iowa App. 1990). An employer has a right to expect employees to follow instructions in the performance of the job. The claimant disregarded the employer's right by repeatedly failing to follow the employer's instructions. The claimant's disregard of the employer's interests is misconduct. As such the claimant is not eligible to receive unemployment insurance benefits.

DECISION:

The representative's May 12, 2017, decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits because the claimant was discharged from work for misconduct. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs