

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ABRAHAM D WOL**  
Claimant

**APPEAL NO. 10A-UI-00169-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWIFT & COMPANY**  
Employer

**OC: 11/08/09**  
**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Abraham Wol filed an appeal from a representative's decision dated December 9, 2009, reference 01, which denied benefits based on his separation from Swift & Company. After due notice was issued, a hearing was held by telephone on March 25, 2010. Mr. Wol participated personally. The employer participated by Tony Luse, Employment Manager. Robert Dulong participated as the interpreter.

**ISSUE:**

At issue in this matter is whether Mr. Wol 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. Wol began working for Swift on January 5, 2009 and worked full time in production. The employer believed he was at work under the influence of alcohol on the evening of November 13 and, therefore, sent him home. As he was leaving the human resources office, he became angry and threatened to return and "shoot them all." As a result, he was discharged.

**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. Wol was discharged after he threatened violence against other employees. He was apparently upset because he was being sent home.

An employer has a vested interest in maintaining a violence-free workplace. Given the prevalence of workplace violence, it is not unreasonable for an employer to treat threats seriously, especially from an apparently angry employee who may be under the influence of alcohol. Mr. Wol's actions compromised the employer's interest in a workplace that was free of

violence. For the reasons cited herein, the administrative law judge concludes that his conduct in threatening to return and shoot others constituted a substantial disregard of the standards the employer had the right to expect. As such, it must be concluded that disqualifying misconduct has been established and benefits are denied.

**DECISION:**

The representative's decision dated December 9, 2009, reference 01, is hereby affirmed. Mr. Wol was discharged for misconduct in connection with his employment with Swift. 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/css