

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MITCH D MOELLER**  
Claimant

**APPEAL NO. 07A-UI-01220-L**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXIDE TECHNOLOGIES**  
Employer

**OC: 12-31-06 R: 04  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 23, 2007, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on April 17, 2007, in Cedar Rapids, Iowa. Claimant participated. Employer participated through Mark Van Lauwe, human resources manager. Employer's Exhibits 1, 2, and 3 were received.

**ISSUE:**

The issue is whether claimant was discharged for reasons related to job misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time line worker from October 13, 1978 through December 16, 2006, when he was discharged. (Employer's Exhibit 2) On December 14, 2006 the police came to the facility in Manchester, Iowa, to arrest him for a charge of domestic abuse. Claimant went to his locker to change from his uniform into street clothes; the police accompanied him and found methamphetamine and related paraphernalia in the company locker, then searched his truck parked on the premises and found more methamphetamine and related paraphernalia. He was charged with those offenses as well. (Employer's Exhibit 3) Employer's policy provides, "Distribution, use, or possession of a controlled substance or intoxicants on Company premises is strictly prohibited." (Employer's Exhibit 1)

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

Claimant's possession of an illegal substance on the company premises is misconduct regardless of the number of years of service. Benefits are denied.

**DECISION:**

The January 23, 2007, reference 01, decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw