

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MIKE I GRIM
Claimant

APPEAL NO. 07A-UI-07315-SW

**ADMINISTRATIVE LAW JUDGE
DECISION**

AEC ENTERPRISES INC
Employer

**OC: 07/01/07 R: 03
Claimant: Appellant (1)**

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 24, 2007, reference 01, that concluded he was discharged for work-connected misconduct. A hearing was held on August 14, 2007, in Des Moines, Iowa. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Ron Goering participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time as a welder for the employer from July 31, 2006, to July 2, 2007. The claimant was informed and understood that under the employer's work rules, misuse of company property was grounds for termination.

At the end of June 2006, the claimant and another employee were assigned to work on a project in Illinois. They were given a company credit card to use for business purposes only. They were expected to share a hotel room while they were out of town. The claimant was offered the opportunity to take a company vehicle, but insisted he wanted to drive his personal vehicle without explaining why. The assistant plant manager, Ron Goering, specifically ask the claimant if he had a valid driver's license, and he assured Goering that he did, which was not the truth.

Without asking or receiving permission from management, the claimant and the other employee brought their wives along on this business trip and got two rooms, which were charged on the company credit card. The claimant also charged meals to the credit card, including the food for his wife.

When the claimant returned from the trip, Goering confronted him about not having a valid driver's license and the claimant admitted he did not have one. Goering discharged him on

July 2, 2007, for misuse of the company credit card and dishonesty regarding his driver's license.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

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.

The claimant's conduct was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated July 24, 2007, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid

wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css