

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RENE M DAVIS
Claimant

APPEAL NO. 12A-UI-00859-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

3M COMPANY
Employer

**OC: 12/11/11
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 18, 2012, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on February 16, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Martin Furst participated in the hearing on behalf of the employer with witnesses, Chris Jones, Raelene Horvik, and Josh Anderson.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a warehouse operator from November 29, 2004, to December 8, 2011. She was placed on administrative leave after December 8 and was discharged on December 20, 2011.

The claimant willfully violated the employer safety rules on December 7, 2011, when she left a damaged battery in the charging station without notifying the lead operator. The battery was still sparking and could have been a safety hazard to other employees. While she filled out a maintenance report, she did not notify anyone about the damaged battery before she left work early for the night on December 7, 2011.

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.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such

degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant's violation of a known work rule 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 January 18, 2012, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css