

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LANCE M BRADLEY**  
Claimant

**APPEAL NO. 09A-UI-10658-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WORKSOURCE INC**  
Employer

**OC: 05/17/09**  
**Claimant: Appellant (5)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 22, 2009, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 11, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Jamie Brecount participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked full time on an assignment at Scott Company from October 7, 2007, to May 15, 2009.

The claimant was scheduled to work from 6:00 a.m. to 2:30 p.m. on May 15, 2009. The claimant had a flat tire on his way to work. After he got to work, he asked his supervisor if he could leave work at this first break at 8:00 a.m. to get his tire fixed. The supervisor reminded him that the 8:00 a.m. break was a paid break and told him that he would have to wait until his unpaid lunch break to get the tire fixed.

At 8:00 a.m., the claimant left work without authorization, in direct violation of his supervisor's instructions. A short time later, he called to the on-site manager and asked if he still had a job. The manager informed the claimant that he did not have a job because he had walked off the job without permission.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code section 96.5-1 and 96.5-2-a. To voluntarily quit means a claimant

exercises a voluntary choice between remaining employed or discontinuing the employment relationship and chooses to leave employment. To establish a voluntary quit requires that a claimant must intend to terminate employment. Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989); Peck v. Employment Appeal Board, 492 N.W.2d 438, 440 (Iowa App. 1992). The evidence fails to show that when the claimant left work on May 15, that he intended to terminate his employment.

The issue then 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 section 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 leaving work without authorization in direct violation of his supervisor's instructions 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 22, 2009, reference 02, is modified with no change in the outcome. The claimant was discharged for work-connected misconduct. 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs