

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**IKRAM A KOCHER**  
Claimant

**APPEAL NO. 13A-UI-02538-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PRAIRIE MEADOWS RACETRACK &  
CASINO**  
Employer

**OC: 01/20/13**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated February 20, 2013, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on March 28, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Pam Anderson 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 for the employer as a traffic valet attendant from November 19, 2007, to January 8, 2013. The claimant was informed and understood that under the employer's work rules, he was required to immediately report any accident to a supervisor or security if a supervisor was not available.

The claimant was working at about 1:30 a.m. on January 5, 2013. As he was taking a conversion van out of a parking space, he struck the front end of a car parked in the next space. He felt and heard the collision, but he failed to get out and check to find out what had occurred and he did not report the collision before he left work at 2:00 a.m. While his supervisor was not there at the time of the accident, the claimant knew that he should have reported it to security.

Next day, shortly after his afternoon shift start, the claimant reported to his supervisor that he had noticed some plastic in the parking lot. The supervisor was already aware of this as the pieces had been picked up and were being held in case someone reported damage to their vehicle.

On January 6, the owner of the damaged vehicle reported the damage. The employer reviewed surveillance video and discovered the claimant had hit the damaged vehicle as he was pulling out of the parking space with the van. The claimant admitted he had felt and heard something

but did not report it immediately. He was discharged for not reporting an accident on January 8, 2013.

**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. The claimant decided not to stop after feeling and hearing the collision and he did not report the accident that night. He said he was tired, but that would not excuse his decision not to stop after he struck the vehicle or his decision not to report the accident. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

**DECISION:**

The unemployment insurance decision dated February 20, 2013, 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css