

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CANDY R MOFFETT**  
Claimant

**APPEAL NO: 13A-UI-03485-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BUNN-O-MATIC CORPORATION**  
Employer

**OC: 02/24/13  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's March 18, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the hearing. Jenny Robinson, the human resource manager, and Susanne Johnston appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in July 2007. She worked full time as an assembler. The claimant received a copy of the employer's code of conduct that requires employees to immediately report any suspected theft or suspicious activity.

In August 2012, the claimant started conversing on-line with a person she had discovered through an on-line dating service. The claimant understood this man was in Afghanistan. On her way to work on February 21, 2013, the claimant received a text message allegedly from this man telling her a package was being shipped to her attention to her work address. This package would then be picked up by another carrier. Before another carrier picked up the package, the male asked the claimant to remove the shipping labels because he needed proof the package had been sent to her. The claimant did not understand the text, but did not say anything to anyone when she was at work and called to the shipping department.

A large package had arrived for the claimant. The claimant made arrangements with another shipping employee for the package to be picked up by another carrier. Also, the shipping label(s) was removed and given to the claimant. Although the claimant and shipping employee

exchanged several texts about this large package the claimant received, the claimant did not report this to her supervisor or anyone in management. The claimant left work early, around noon, because of adverse weather conditions.

Local law enforcement officials contacted the employer around 3 p.m. on February 21. A company notified law enforcement officials that a package was to be delivered to them that they had not purchased. Law enforcement officials concluded the products in the package the claimant received at work were stolen. The Creston law enforcement officials confiscated the package. Leon law enforcement officials contacted the claimant the afternoon of February 21 and told her the package she received consisted of stolen merchandise and Creston law enforcement officials had taken the package.

When the claimant reported to work on February 25, the employer talked to her about the package she had received on February 21. The claimant still had the labels that had been taken off the package in her possession. On February 26, 2013, the employer discharged the claimant for violating the employer's code of conduct by failing to report a very large package had been sent to the claimant at work, but then was to be picked up by another company after the claimant removed and kept the shipping labels.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. An intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant admitted it was suspicious being asked to take off shipping labels from a package she received at work that was then to be picked up by another carrier. The claimant asserted she was in a hurry to get home because of a storm and did not think to report the package to anyone in management. Since the claimant had time to text messages to the shipping clerk, she had time to report this to management and did not. While the claimant may be a victim, she also knew or should have known everything this person asked her to do was out-of-the-ordinary. Her failure to report receiving the package and then being told to remove shipping labels before another carrier picked up the package amounts to an intentional and substantial disregard of the standard of behavior the employer has a right to expect from an employee. The claimant's failure to report suspicious instructions that were associated with a package the claimant received at work amounts to work-connected misconduct. As of February 24, 2013, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's March 18, 2013 determination (reference 01) is affirmed. The employer discharged the claimant for reasons amounting to work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of February 24, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs