

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDALL E HARRIS
Claimant

APPEAL NO: 06A-UI-09151-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GMT CORPORATION
Employer

**OC: 08/13/06 R: 02
Claimant: Appellant (1)**

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Randall E. Harris (claimant) appealed a representative's September 6, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of GMT Corporation (employer) would not be charged because the claimant had been discharged for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 26, 2006. The claimant participated in the hearing. Kendall Kelly, the human resource manager, and Darrell McLaury appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on August 30, 2004. The claimant worked as a full-time machine operator.

In early February 2006, the claimant became upset after J.B., a shift supervisor, told him to keep a lathe running. The claimant asserted that J.B. harassed him because he knew his job so J.B. did not have to tell him what to do. In early February after the claimant became angry, he said he had had enough and left work early.

The employer talked to the claimant about this incident. The employer told the claimant that his behavior in this incident was not acceptable and would not be tolerated. The claimant understood the employer was primarily concerned with whether he could work with J.B. and he could.

In mid-August, the employer's work was slow. One of the machines the claimant usually operated was not available for him to use. The employer assigned the claimant to another machine in a different area the evening of August 12. On August 13, the lead person, T.H. again assigned the claimant to the same machine he had operated the day before. When T. H. told the claimant he needed to run more parts than he had the previous night, T.H. concluded his remarks made the claimant angry. The claimant immediately told T.H. he was going home. T.H. walked away. The claimant left work early. The claimant started work at 6:00 p.m. and left before 8:15 p.m.

The employer discharged the claimant on August 15 for getting angry when a supervisor or lead person gave him an instruction and then left work early without authorization.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges him for reasons constituting work-connected misconduct. Iowa Code section 96.5-2-a. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is 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 are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

Although the claimant asserted he was not angry or upset after T.H. told him on August 13 he needed to make more parts than he had on August 12, the fact the claimant reported to work knowing it would be slow indicates he decided to leave only after he was told he needed to make more parts than he had the night before. The claimant's conduct on August 13 is similar to what happened in February when he became upset with a supervisor and walked off the job. On August 13 the claimant did not say anything disrespectful to T.H., but he again walked off the job after he was told how to perform his job. Since the claimant had been warned before about walking off the job after a supervisor gave him instructions on how to do a job, the claimant committed work-connected misconduct the evening of August 13 when he again left work after a supervisor told him he needed to make more parts. As of August 13, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 6, 2006 decision (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is

disqualified from receiving unemployment insurance benefits as of August 13, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs