

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SHARON K SINES
211 E WALNUT
DRAKESVILLE IA 52552

PIPER MOTOR COMPANY INC
PO BOX 37
BLOOMFIELD IA 52537

Appeal Number: 05A-UI-05428-HT
OC: 05/01/05 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a - Discharge

STATEMENT OF THE CASE:

The claimant, Sharon Sines, filed an appeal from a decision dated May 18, 2005, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 9, 2005. The claimant participated on her own behalf. The employer, Piper Motor Company, Inc. (Piper Motor), participated by Owner Bruce Piper.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Sharon Sines was employed by Piper Motor from

August 21, 2003 until May 3, 2005. She was a full-time office worker whose duties included writing checks, doing title paperwork and other clerical duties.

At the beginning of her employment Ms. Sines' job performance was satisfactory. However, it began to decline to the point where it caused serious problems for the employer. She was writing checks on the wrong accounts for the wrong amounts. In January 2005 the claimant failed to fill out all the paperwork for a bank, and did not send along the check. The bank was very upset with the employer, and the business relationship was jeopardized. Owner Bruce Piper talked to the claimant about her poor work performance and sent her home for the rest of the day, telling her she "had to do better."

The final incidents occurred the day before she was discharged. Once again she had filled out checks for incorrect amounts. She also failed to do the necessary paperwork on a title for a salvaged car, failing to walk out into the lot to get the VIN and get the other necessary forms completed so an inspection could be done. The delay further jeopardized the employer's business because there was a buyer ready "with cash in hand" to buy the vehicle and the buyer was impatient at the delay. Mr. Piper notified the claimant she was being "let go."

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

Iowa Code Section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

This definition has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. Huntoon v. Iowa Department of Job Service, 275 N.W.2d 445, 448 (Iowa 1979).

The claimant was capable of performing her work in a satisfactory manner, as she had done so at the beginning of her employment. The claimant denies a decline in her work, but the record does not support this. She failed to have the proper paperwork prepared for the bank and did not adequately check her work for errors when she would write checks on the employer's different accounts. Her continued failure to prepare the correct title paperwork so a car could be sold almost cost the employer a business transaction and this is conduct not in the best interests of the employer. Failure to work to the best of one's ability is misconduct and the claimant is disqualified.

DECISION:

The representative's decision of May 18, 2005, reference 01, is affirmed. Sharon Sines is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/kjf