

manager, spoke with him and he was short and curt with her. He ignored the instruction to stay in Decatur and left after regular business hours to drive to St. Louis. As a result, another service technician was sent to Decatur the next week to finish the job.

Employer had previously warned him verbally to finish jobs as assigned and look out for the customers' interests. Claimant liked to work four days per week instead of five days per week and one hour per day was deducted for lunch unless he drove over 120 miles per day, thus claimant wanted to accumulate miles by driving to multiple work sites in one day.

There were several confrontations with other area coordinators involving the same issue of changing his schedule to meet his personal needs instead of the customers' needs. He would often apologize to Williamson and others the day after he lost his temper on multiple occasions.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

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).

Claimant was insubordinate after having been instructed to stay in Decatur to complete the job instead of traveling the same day to the next job site in St. Louis. His failure to obey the instruction resulted in poor customer service and additional expense to employer. Furthermore, he was confrontational with management after having been warned about previous confrontations with area coordinators. As such, claimant engaged in job related misconduct in both situations. Benefits are denied.

DECISION:

The September 22, 2005, reference 01, decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

dml/tjc