

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN P HAGEMEIER
Claimant

CENTRO INC
Employer

APPEAL NO: 13A-UI-08662-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/16/13
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge
871 IAC 24.32(1) – Definition of Misconduct

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 19, 2013, reference 01, that held he was discharged for misconduct on June 14, 2013, and benefits are denied. A telephone hearing was held on August 14, 2013. The claimant did not participate. Tracy Lennon, HR, and Sam Kadura, Quality Insurance Lead, participated for the employer. Employer Exhibit One was received as evidence.

ISSUE:

Whether claimant was discharged for misconduct in connection with employment.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant was hired on July 16, 2007, and last worked for the employer as a full-time quality insurance technician on June 14, 2013. The claimant's job duty was to inspect parts for quality specification before shipping to a customer. The employer has a detection system that identifies the inspector who approved the part.

The employer issued claimant written warnings on September 17, and October 12, 2012 for approving parts that it later learned were defective. The employer issued claimant a final warning on May 9, 2013 for approving a defective part. He was put on notice that a further issue of this nature could lead to termination.

The employer received a customer complaint on June 11, 2013 about a defective part. It verified claimant had inspected and approved the part. The employer discharged claimant for failing to properly follow job instructions regarding inspection of parts in light of the prior warnings.

Claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes employer established claimant was discharged for misconduct on June 14, 2013 for conduct not in the best interest of the employer.

The focus of claimant's job was to inspect manufactured parts for approval according to specification. He was repeatedly warned for failing to do so that included a final warning. Job disqualifying misconduct is established.

DECISION:

The department decision dated July 19, 2013, reference 01, is affirmed. The claimant was discharged for misconduct on June 14, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs