

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSHUA D ANDERSON
Claimant

APPEAL NO. 13A-UI-03818-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURITY & RESEARCH CORP
Employer

OC: 03/03/13
Claimant: Respondent (2)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated March 21, 2013, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on May 3, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Barb McGuire participated in the hearing on behalf of the employer. Exhibits One and Two were admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time as a security officer for the employer from January 19, 2012, to December 30, 2012. He was informed and understood that under the employer's work rules, employees were required to notify the employer four hours before their scheduled start time if they were not able to work as scheduled and were subject to discharge after three written warnings.

The claimant received written warnings on August 29 and October 9, 2012, for violating the employer's dress and grooming policy. He also received verbal warnings for the same conduct in the past.

The claimant was scheduled to work at 8:00 a.m. on December 31, 2012. He failed to report to work and failed to notify the employer that he would not be at work, which caused undue strain on the office staff who had to complete the claimant's route. Since he had received two prior written warnings for policy violations, the employer discharged him on January 3, 2013.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant's violation of a known work rule was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated March 21, 2013, reference 01, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css