

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MUSTAPHA M KROMAH**  
Claimant

**APPEAL NO: 13A-UI-06746-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PRAIRIE MEADOWS  
RACETRACK & CASINO**  
Employer

**OC: 05/12/13**  
**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 June 3, 2013, reference 01, that held he was discharged for misconduct on May 16, 2013, and benefits are denied. A telephone hearing was held on July 9, 2013. The claimant participated. Pam Anderson, HR Generalist, participated for the employer.

**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 re-hired on August 8, 2011, and last worked for the employer as a full-time parking attendant on May 16, 2013. The employer has a policy that requires attendants to ask for identification when no customer ticket is provided. The individual is also asked to fill-out a lost ticket sheet.

On May 8 an individual requested claimant to call-up his car from valet service and provided a ticket number. Claimant did not ask the customer to produce the ticket. Earlier, the ticket number had been broadcast by the employer and overheard by the individual. The individual took the car. Sometime later, the customer who owned the car requested it and it was missing. The result was a criminal investigation for a stolen car.

The employer discharged claimant for a policy violation in releasing a car to an unauthorized individual that resulted in car theft on May 16. During department fact finding claimant acknowledged he violated policy by failing to request identification from an individual who did not produce a ticket. Claimant states he was busy and released the car when the individual provided the correct ticket number.

## **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 May 16, 2013 for violation of employer policy.

A policy violation is an intentional disregard of the best interest of an employer. Customer service is vital to the employer business and customers place a high degree of trust in it when using the valet service. Claimant ignored the policy when he failed to require an individual purporting to be a customer produce the valet ticket in order to release the car. While there might be a dispute whether this was a lost vehicle situation that triggers the ID request and lost ticket sheet information, there is no confusion claimant violated policy by accepting the ticket number without the actual ticket.

A simple request for the actual ticket in accordance with policy would trigger the other checks for ID and information sheet that would have prevented the theft of a customer vehicle. The policy violation constitutes job disqualifying misconduct.

## **DECISION:**

The department decision dated June 3, 2013, reference 01, is affirmed. The claimant was discharged for misconduct on May 16, 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/css