

**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**

**DAN J TEASDALE  
6250 W STAGECOACH RD  
GALENA IL 61036**

**DUBUQUE RACING ASSOCIATION LTD  
P O BOX 3190  
DUBUQUE IA 52001**

**Appeal Number: 04A-UI-04022-CT  
OC: 03/07/04 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Dan Teasdale filed an appeal from a representative's decision dated March 31, 2004, reference 01, which denied benefits based on his separation from Dubuque Racing Association, Ltd. (DRA). Due notice was issued scheduling the matter for a telephone hearing to be held on May 3, 2004. Both parties responded to the notice of hearing. Two attempts were made to contact Mr. Teasdale at the number provided but there was no answer on either occasion. The employer opted to stand on the information previously provided.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: Mr. Teasdale was employed by DRA from March 30, 2000 until March 2, 2004 as a full-time kitchen manager. All individuals employed by DRA must be licensed by the Iowa Racing and Gaming Commission (IRGC). Mr. Teasdale became separated from the employment when his gaming license was suspended. The license was suspended because of a domestic abuse charge against Mr. Teasdale.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Teasdale was separated from employment for any disqualifying reason. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct in connection with the employment. The employer had the burden of proving disqualifying job misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Teasdale was discharged because he lost his gaming license, a license which was required in order for him to work for DRA. Where an individual's own conduct renders him unemployable by his employer, he is considered guilty of misconduct in connection with his employment. See Cook v. Iowa Department of Job Service, 299 N.W.2d 698 (Iowa 1980).

Mr. Teasdale lost his gaming license because of a domestic abuse charge. The criminal charge itself was not related to his employment. However, he knew or should have known that criminal charges, even those unrelated to his job, might cause IRGC to suspend or revoke his gaming license. Even though the conduct which brought about the loss of the gaming license occurred while Mr. Teasdale was off duty, it had a direct impact on his ability to work for DRA. Mr. Teasdale has presented no evidence to establish that he was not guilty of the charge which resulted in the loss of his gaming license. For the reasons stated herein, it is concluded that the employer has satisfied its burden of proving that Mr. Teasdale should be disqualified from receiving job insurance benefits. Accordingly, benefits are denied.

DECISION:

The representative's decision dated March 31, 2004, reference 01, is hereby affirmed. Mr. Teasdale was discharged by DRA for misconduct in connection with his employment. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/s