

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA M MOWERY
Claimant

APPEAL NO. 10A-UI-10733-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP LLC
Employer

OC: 06/06/10
Claimant: Respondent (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated June 29, 2010, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on September 7, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Beth Smith participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked for the employer as a sales clerk from December 21, 2009, to June 8, 2010. She was discharged after having a \$22 shortage occurred on her shift due to a missing check. She did not take and keep the check and did nothing deliberately to lose the check. She had one prior warning for an \$8 overage in March 2010 caused when a customer had written a check for \$8 over the amount, but she did not notice it and the customer did not get the cash.

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 section 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).

No willful and substantial misconduct has been proven in this case. At most, the employer has shown isolated negligence not rising to the level of disqualifying misconduct.

DECISION:

The unemployment insurance decision dated June 29, 2010, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs