

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICK A TEBBE**  
Claimant

**APPEAL NO. 07A-UI-09739-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA FLUID POWER INC**  
Employer

**OC: 09/16/07 R: 03  
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Rick Tebbe (claimant) appealed a representative's October 10, 2007 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he was discharged from work with Iowa Fluid Power (employer) for violation of a known company rule. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 5, 2007. The claimant participated personally. The employer participated by Korey Leuenberger, Laborer.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired in August 2006, as a full-time shipper working daytime hours. The claimant signed for receipt of the employer's handbook. The employer did not issue the claimant any warnings during his employment.

On September 13, 2007, the claimant was working while all the supervisors were at a company outing. A co-worker was making inappropriate comments to the claimant throughout his shift. There was no one in authority for the claimant to report the co-worker. The claimant left work early at 2:30 p.m. On September 14, 2007, the claimant properly requested and the employer granted a personal day. On September 17, 2007, the claimant reported to work and the employer would not allow the claimant to work because he left early on September 13, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant was not discharged for misconduct

The employer has the burden of proof in establishing disqualifying job misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The employer did not provide any

evidence of job-related misconduct at the hearing. The employer did not meet its burden of proof to show misconduct. Benefits are allowed.

**DECISION:**

The representative's October 10, 2007 decision (reference 01) is reversed. The employer has not met its proof to establish job-related misconduct. Benefits are allowed.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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