

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CLOVIE G COFFMAN
Claimant

APPEAL NO. 12A-UI-11700-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HAWKEYE MOLDING INC
Employer

OC: 08/26/12
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated September 17, 2012, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on October 25, 2012. Claimant participated. The employer participated by Ms. Mary Belzer, Operations Manager and Mr. Richard Aldridge, Maintenance Manager. Employer's Exhibit One was received into evidence.

ISSUE:

The issue in this matter is whether the claimant was discharged for misconduct sufficient to warrant the denial of unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: Mr. Clovie Coffman was employed by Hawkeye Molding Inc. from April 1990 until August 24, 2012 when he was discharged for sleeping on the job. Mr. Coffman worked as a full-time supervisor working the midnight to 8:00 a.m. shift and was paid by the hour. His immediate supervisor was the company owner, Mary Belzer.

Mr. Coffman was discharged on the morning of August 24, 2012 after he was personally observed sleeping on the job by the company operations manager, Mary Belzer. Another employee had reported to the company's material manager that Mr. Coffman had spent the majority of night in his truck sleeping and that Mr. Coffman had not been responsive to repeated requests to assist in repairing machines that were malfunctioning. Mr. Aldridge, the company's maintenance manager, accompanied a production worker out to the area by Mr. Coffman's truck and noted that it appeared that Mr. Coffman was sleeping. Later that morning the company's operations manager was informed of the issue and went to observe the claimant at approximately 6:50 a.m. and found the claimant sleeping in his truck at that time. Mr. Coffman was summoned to the company offices. At that time the claimant was not willing to discuss the matter or provide a statement to the employer but indicated that he would complete paperwork when he later came back to get his final check.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes misconduct sufficient to warrant the denial of unemployment insurance benefits. It does.

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 employer has the burden of proof in this matter. See Iowa Code section 96.6-2. Misconduct must be substantial in order to justify a denial of unemployment insurance benefits.

In this matter the evidence in the record establishes that Mr. Coffman was observed in his truck sleeping for an extended period of time on the night of August 24, 2012. The claimant was observed by a production worker as well as a maintenance manager and awoken by the company's operations manager at approximately 6:50 a.m. The evidence establishes that Mr. Coffman was asleep in his truck well beyond any period of time that was available to him for lunch or break periods and that the claimant knew or should have known that sleeping on the job was a violation of company policy that could result in his termination from employment. Although the claimant was given an opportunity to provide any extenuating circumstance to the employer, Mr. Coffman chose not to do so and left employment without completing paperwork or making a statement to his employer that date.

Based upon the evidence in the record the administrative law judge concludes that the employer has sustained its burden of proof in establishing that Mr. Coffman's separation from employment took place under disqualifying conditions. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated September 17, 2012, reference 01, is affirmed. The claimant is disqualified. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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