FILED
AUG 3 0 1990
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-348 / 89-1814

MORRIS K. McCALLISTER,

Appellant,

vs.

EMPLOYMENT APPEAL BOARD and EMBASSY CLUB,

Appellees.

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Appeal from the Iowa District Court for Polk County, Rodney J. Ryan, Judge.

Petitioner appeals district court's affirmance of agency decision denying unemployment benefits. **AFFIRMED.**

Carolyn F. Coleman, Legal Aid Society of Polk County, Des Moines, for appellant.

I. John Rossi and William C. Whitten, Employment Appeal Board, and Sue Luettjohann Seitz of Belin Harris Helmick Tesdell Lamson McCormick, P.C., Des Moines, for appellees.

Considered by Hayden, P.J., and Sackett and Habhab, JJ.

PER CURIAM

The sole issue in this appeal is whether there is substantial evidence to support an agency decision finding petitioner-appellant Morris K. McCallister was discharged for misconduct and denying him unemployment benefits. We agree with the trial court there was. We affirm.

Petitioner was discharged after fourteen years of employment with the Embassy Club for disobedience to time schedules, poor performance, and failure to follow his job description.

The facts surrounding petitioner's discharge are set forth in the following findings of facts set forth by the agency:

> Morris K. McCallister was employed at the Embassy Club as a first cook for approximately 14 years. The claimant was discharged on August 17, 1988. On August 5, 1988, a meeting was held with all kitchen employees. At that meeting, it was emphasized that failure to adhere to scheduled hours would be grounds for discipline. On August 8, 1988, the claimant reported to work 34 minutes late. On August 12, 1988, the claimant reported to work and punched in 34 minutes ahead of the posted schedule. On July 5, 1988, Mr. McCallister received three written warnings. The claimant was 50 minutes late on July 5, 1988, and received a written warning. The second written warning concerned the placement of an excessive number of shrimp on a shrimp order instead of the regular number. The third warning concerning Mr. McCallister's providing different specials than the specials that were posted. The claimant admitted he was late on July 5, 5988, and on August 8, 1988, but claimed the reason he was late was because of car trouble. The claimant also admitted being 34 minutes early on August 12 but indicated he wanted to get an early start on his work.

Petitioner agrees these facts are supported by substantial evidence and does not dispute them. Petitioner contends the facts are not sufficient to support a finding of misconduct as defined under Iowa Code section 4.32(1).

We find the instances, when considered collectively, support a finding of misconduct. See Higgins v. Iowa Department of Job Service, 350 N.W.2d 187, 190 (Iowa 1984); McCunn Equipment Co. v. Employment Appeal Board, 451 N.W.2d 510, 511 (Iowa App. 1989).

AFFIRMED.