

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICIA PRANSCHKE**  
Claimant

**APPEAL NO. 08A-UI-07235-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CROSSROADS OF WESTERN IOWA**  
Employer

**OC: 07/13/08 R: 01  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)(a) - Discharge for Misconduct

**STATEMENT OF THE CASE:**

Patricia Pranschke (claimant) appealed an unemployment insurance decision dated August 6, 2008, reference 01, which held that she was not eligible for unemployment insurance benefits because she was discharged from Crossroads of Western Iowa (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 4, 2008. The claimant participated in the hearing. The employer participated through Matt Zima, Administrative Director. Employer's Exhibits One and Two and Claimant's Exhibit A were admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the employer discharged the claimant for work-related 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 employed as a full-time community options supervisor for this non-profit corporation that provides services to people with disabilities from April 7, 1998 through July 11, 2008 when she was discharged. The employer's disciplinary policy provides three groups of rules and violations of the third group of policies results in immediate termination. The claimant reviewed a revised version of the staff handbook on July 3, 2007 as confirmed by her initials on an employee status change form dated July 18, 2007.

The employer learned on July 11, 2008 the claimant had been arrested on criminal charges on July 5, 2008. The employer reviewed the claimant's criminal record on-line and found that she was arrested July 5, 2008 on charges of disorderly conduct and interference with official acts and the case was scheduled for trial in September 2008. The court records also showed the claimant had been charged with harassment on October 28, 2007 but the case was dismissed pursuant to a plea agreement. Prosecution was deferred for a period of six months provided the claimant had no further criminal charges during that timeframe. The subsequent criminal charges occurred after the six-month period.

The employer met with the claimant and learned the interference charge resulted from her resisting arrest. The claimant was discharged for violating two Group III policies: proven criminal activity within the last five years and major violations of the employer's Code of Ethics.

### **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the employer discharged the claimant for work-connected misconduct. A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a.

Iowa Code § 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 to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The claimant was discharged for violating two Group III policies which warrant immediate termination. Violation of a specific work rule, even off-duty, can constitute misconduct. In Kleidosty v. EAB, 482 N.W.2d 416, 418 (Iowa 1992), the employer had a specific rule prohibiting immoral and illegal conduct. The worker was convicted of selling cocaine off the employer's premises. The Court found misconduct. In its analysis, the Court stressed the importance of a specific policy, even one which was stated only in terms of illegal or immoral conduct. The employer's policies prohibit proven criminal activity and

unethical conduct and the claimant's actions were clearly in violation of these policies. Work-connected misconduct as defined by the unemployment insurance law has been established in this case and benefits are denied.

**DECISION:**

The unemployment insurance decision dated August 6, 2008, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits because she was discharged from work for misconduct. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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