

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORRETTA L HENDERSON**  
Claimant

**APPEAL NO. 07A-UI-07186-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**UNITED STATES CELLULAR CORP**  
Employer

**OC: 06/24/07 R: 03  
Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Lorretta Henderson filed an appeal from a representative's decision dated July 16, 2007, reference 02, which denied benefits based on her separation from United States Cellular Corporation (USCC). After due notice was issued, a hearing was held by telephone on August 8, 2007. Ms. Henderson participated personally. The employer participated by Angie Bailey, Associate Relations Representative, and Jamie Clark, Customer Service Coach.

**ISSUE:**

At issue in this matter is whether Ms. Henderson was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Henderson was employed by USCC from February 2, 2004 until June 26, 2007 as a full-time customer service representative. She was discharged for violating the employer's standards on June 26, 2007.

On June 26, Ms. Henderson had a customer on the phone but had the line on "mute." She stated words to the effect, "what do these customers want us to do, wipe their asses for them, too?" She spoke loud enough that Jamie Clark could hear her at her desk approximately ten feet away. There were two other associates seated approximately three feet away from Ms. Henderson. It is unknown as to whether either one had a customer on the phone at the time she made the statement. When questioned, Ms. Henderson acknowledged to Ms. Clark that she had made the above statement. She was discharged the same day. The above matter was the sole reason for Ms. Henderson's discharge.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321

N.W.2d 6 (Iowa 1982). Ms. Henderson was discharged as a result of the statement she made on the calling floor on June 26. The comment was disparaging of customers and suggested that they were too demanding. Her voice was loud enough to be heard ten feet away. It is conceivable that her statement could have been overheard by a customer if one happened to be on the phone with one of the other two associates who were in the area.

As a customer service representative, Ms. Henderson was expected to handle customer calls and provide the service for which the call was placed. She made a comment disparaging of customers where there was a possibility the statement could be overheard by a customer. A customer is not likely to feel welcome if a customer service representative indicates customers are too demanding or require too much assistance. Moreover, she did not merely say customers were too demanding or too needy. Her statement was sarcastic and did not use the decorous language required by the employer.

The administrative law judge concludes that Ms. Henderson's conduct constituted a substantial disregard of the standards the employer had the right to expect from one in her position and work environment. It is concluded, therefore, that disqualifying misconduct has been established by the evidence. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated July 16, 2007, reference 02, is hereby affirmed. Ms. Henderson was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css