

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANA S BRANDT
Claimant

APPEAL NO. 10A-UI-05416-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN HOME SHIELD CORP
Employer

OC: 03/07/10
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 2, 2010, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on May 17, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Tom Kuiper participated in the hearing on behalf of the employer with witnesses, Ann Fitzpatrick, Diane Pieper, and Renee Golwitzer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as an account executive assistant from January 20, 2009, to March 10, 2010. The claimant was informed and understood that under the employer's work rules, she was required to document in the computer system all communication with customers.

On February 12, 2010, the claimant received a final written warning after it was discovered during a monitoring of the claimant's calls that she was not documenting in the customer's account record all communication she had with customers. She was warned that failing to comply with the warning could result in discharge.

On March 3, 2010, a supervisor instructed the claimant to contact a real estate agent about adding washer-dryer coverage for a customer. The claimant attempted to contact the real estate agent, but he was not available. The claimant violated the employer's policy and written warning given to her by failing to document the fact that she had called the real estate agent but got no answer so she left a message.

The claimant was absent from work after March 3 due to illness. While she was off work, the employer discovered that there was nothing documented regarding the task that she had given to contact the real estate agent. When questioned, the claimant asserted that she had included

the information in the nightly email she sent to her supervisor, but that information was not provided.

The claimant returned to work on March 10, 2010. She was discharged for repeated failures to document information about her customer communication in the computer system.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant's violation of a known work rule and final warning was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated April 2, 2010, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css