

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSICA L HELPHREY**  
Claimant

**APPEAL NO. 11A-UI-10612-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**  
Employer

**OC: 07/17/11  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated August 5, 2011, reference 01, that concluded she was discharged for work-connected connected misconduct. A telephone hearing was held on September 7, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Deb Ahrens participated in the hearing on behalf of the employer. Exhibits 1, 2, and 3 were admitted into evidence at the hearing.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked for the employer from April 2007 to July 15, 2011. When she was promoted to the position of assistant manager in 2010, she was informed by her supervisors that she was prohibited from making negative comments on her Facebook page regarding the employer's business. Prior to that time, management had discovered the claimant posting messages on her Facebook page making negative comments about her job.

In mid-July 2011, an employee forwarded a series of negative comments posted by the claimant on her Facebook pages from May through July. One referred to the employer by name and stated that "At least I know my store isn't the only one w/ incompetent people." Another comment referred to customers bringing in cans for recycling as "dirt bags." The claimant knew that her comments would be available for all of her Facebook friends, including employees of the employer. The claimant believed her comments were justified because she had not received a raised she was entitled to and no one at the company would listen to her.

On July 15, 2011, the employer discharged the claimant for violating the employer's work rules and a warning she had been given about posting negative comments about the employer's business on her Facebook page.

**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 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. The fact that the claimant was upset by not getting a raise and unhappy with the employer's lack of responsiveness does not justify her conduct.

**DECISION:**

The unemployment insurance decision dated August 5, 2011, 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs