

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MAHA S HANNOON**  
Claimant

**WELLS FARGO BANK**  
Employer

**APPEAL NO: 09A-UI-10560-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/21/09**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge  
871 IAC 24.32(1) – Definition of Misconduct

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated July 17, 2009, reference 01, that held she was discharged for misconduct on June 22, 2009, and benefits are denied. A telephone hearing was held on August 10, 2009. The claimant participated. Bob Collins, Credit Card/Customer Service Supervisor, participated for the employer.

**ISSUE:**

Whether the claimant was discharged for misconduct in connection with employment.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began employment as a full-time customer service representative in the credit card division of the employer on October 7, 2007, and last worked for the employer on June 22, 2009.

The employer received a report that the claimant had more than three-hundred (300) customer telephone calls of three or four seconds duration during a period from June 1 to June 18, 2009. On June 22, the employer confronted the claimant with the report that caused it to believe she was hanging-up on customers. The claimant admitted to it, and offered an apology. The employer discharged the claimant for an extreme violation of policy guidelines.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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 administrative law judge concludes the employer has established that the claimant was discharged for misconduct in connection with employment on June 22, 2009, for a serious violation of employer policy guidelines.

The claimant disagreed with the number of disconnected calls in this hearing, but she did not challenge the employer to the report at the time of discharge nor did she request the employer produce it as evidence for this hearing. The claimant admitted to the conduct and it is considered serious as it is the focus of her job for the employer.

**DECISION:**

The department decision dated July 17, 2009, reference 01, is affirmed. The claimant was discharged for misconduct on June 22, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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