

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**QUINTELLA Y WRIGHT**  
Claimant

**APPEAL NO. 08A-UI-05735-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACCESS DIRECT TELEMARKETING INC**  
Employer

**OC: 05/18/08 R: 03  
Claimant: Respondent (2)**

Section 96.5(2)a – Discharge  
Section 96.3(7) – Overpayment

**STATEMENT OF THE CASE:**

The employer, Access Direct, filed an appeal from a decision dated June 17, 2008, reference 01. The decision allowed benefits to the claimant, Quintella Wright. After due notice was issued a hearing was held by telephone conference call on July 8, 2008. The claimant participated on her own behalf. The employer participated by Human Resources Manager Nicole Norris, Operations Manager Ken Leffler, Team Leader AJ Wygle and was represented by TALX in the person of Josh Burrows.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Quintella Wright was employed by Access Direct from May 1, 2006 until May 21, 2008, as a full-time customer service representative (CSR). On May 21, 2008, the claimant took an incoming call from a potential customer. The client on whose account she was working requires both an e-mail address and a credit card number before a new customer account may be set up. The customer did not have an e-mail address so Ms. Wright made one up for her. A credit card number is also required before the computer system will process the new account and the customer said she did not have a credit card account, but an account number was entered into the appropriate field on the computer screen and the sale was processed.

The employer learned of this when the customer called back in later that day to check and make sure the account had been set up. Another CDR, Ms. Lee, took the call and checked the computer system to discover an account had been set up. She referred the matter to Team Manager AJ Wygle who referred the matter to the quality assurance department and Operations Manager Ken Leffler. The recording of Ms. Wright's call was pulled and listened to by the managers and in it the customer clearly stated she did not have an e-mail address or a credit card number, but both an e-mail address and a credit card number were entered into the system to set up the account.

The managers met with the claimant later that day and she was able to listen to the recording. She admitted to making up an e-mail address for the customer and a credit card number in order to make the sale. She was discharged for falsification of the records.

Quintella Wright has received unemployment benefits since filing a claim with an effective date of May 18, 2008.

**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 claimant was discharged for falsifying customer information on the employer's computer system in order to make the sale when the customer did not qualify under the client's guidelines. This jeopardized the employer's business relationship with the client and created an account for the customer with falsified information. This is conduct not in the best interests of the employer and the claimant is disqualified.

Iowa Code section 96.3-7 provides:

7. Recovery of overpayment of benefits. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department

in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The claimant has received unemployment benefits to which she is not entitled. These must be recovered in accordance with the provisions of Iowa law.

**DECISION:**

The representative's decision of June 17, 2008, reference 01, is reversed. Quintella Wright is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. She is overpaid in the amount of \$1,179.00.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs