

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRIS G WILSON
Claimant

APPEAL NO. 08A-UI-03845-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNITED STATES CELLULAR CORP
Employer

**OC: 03/23/08 R: 03
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Chris Wilson filed an appeal from a representative's decision dated April 16, 2008, reference 01, which denied benefits based upon his separation from United States Cellular Corporation. After due notice was issued, a hearing was held by telephone on May 5, 2008. Mr. Wilson participated personally. The employer participated by Stacy Williams, Customer Service Representative Coach.

ISSUE:

The issue in this matter is whether the claimant was discharged for misconduct in connection with his work.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from November 5, 2007 until March 25, 2008 when he was discharged for violating company policy that required customer service representatives receive proper identification from callers before providing information to them. Mr. Wilson was aware of the company's policy and had been given a final written warning for a similar offense on December 10, 2007. During the call in question the claimant provided confidential client information to a third-party caller who was represented as being a telephone operator for hearing impaired individuals.

REASONING AND CONCLUSIONS OF LAW:

The question before administrative law judge is whether the evidence establishes that the claimant was discharged under disqualifying conditions. It does. The evidence in the record establishes that Mr. Wilson had been trained and was aware of the company policy which specifically prohibits providing client information to third-party callers. The claimant had been previously warned for violating the policy and was on final warning. On the day in question although Mr. Wilson was aware that the individual calling was not the client, he nevertheless

provided restricted information to an individual who was not the client in violation of company policy and a warning that been previously served upon him. This conduct placed the client's personal information in jeopardy and placed the employer in a position of potential legal liability.

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.

For the reasons stated herein the administrative law judge concludes the claimant was discharged for misconduct. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated April 16, 2008, reference 01, is hereby affirmed. Claimant was discharged under disqualifying conditions. Unemployment insurance benefits are withheld

until the claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, providing that he is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

css/css