

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BONNIE J JOHNSON**  
Claimant

**APPEAL NO. 08A-UI-04824-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS DEVELOPMENT**  
Employer

**OC: 04/13/08 R: 02  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated May 5, 2008, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on June 3, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Jennifer Ellis, Cathy Miller, and Kathy Lonergan participated in the hearing on behalf of the employer. Exhibits One through Four were admitted into evidence at the hearing.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as a team leader from November 7, 1988, to April 16, 2008. She had been warned in December 2007 about hostile conduct toward her supervisors.

On April 15, 2008, the claimant reacted in a hostile manner to her supervisor's criticism of her job performance. She was asked to return the next day to discuss performance issues. When she left the meeting, she commented in an angry threatening tone of voice: "I hope you both get this back at you."

The next day, the claimant's supervisors met with the claimant again. Her supervisor told her that her inappropriate and threatening behavior during the meeting on April 15 would not be tolerated. When the claimant was informed that she was being suspended for one day for her job performance, the claimant commented that if the supervisor got the knife out of the claimant's back, she would do her job. The claimant had been told that her suspension would be served on April 18. She commented that she would take her day of suspension on April 17 and the supervisor would have to get a client to a medical appointment. The supervisor told her that she would serve her suspension on April 18. When the claimant refused, she was told that she would serve the suspension as scheduled or be terminated. The claimant then pointed her

finger at her supervisor and accused the supervisor of backstabbing her and lying to her. The claimant was then discharged for hostile and insubordinate conduct toward her supervisor.

**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.

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's hostile and insubordinate conduct despite warning that she would be terminated if she continued such behavior 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 May 5, 2008, 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