

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES W GODSEY**  
Claimant

**APPEAL NO. 09A-UI-09345-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MERCY MEDICAL CENTER-CLINTON INC**  
Employer

**Original Claim: 05/24/09  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated June 23, 2009, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on July 16, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Dave Frett participated in the hearing on behalf of the employer with witnesses Connie Gonzalez, Jody Reisenbigler, and Diane Grantz. 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 an environmental lead worker from August 16, 2007, to May 27, 2009. He was informed and understood that under the employer's work rules, that professional and respectful conduct toward coworkers was required. The claimant had been warned in January 2009 after he had an angry confrontation with the nursing director.

On May 20, the claimant and his supervisor, Jody Reisenbigler, had a discussion about some cleaning procedures. Reisenbigler considered the claimant's conduct to be confrontational and hostile. She reported her concerns about the claimant's conduct to Connie Gonzales, the director of nutritional services. The next day, the claimant called Gonzales with his complaints, and Gonzales also had concerns about the claimant's confrontational demeanor. She reported her concerns to the human resource director, Diane Grantz. They decided that they needed to investigate as to how the claimant was treating other employees.

On May 21, 2009, the claimant lashed out verbally at a coworker, John Oestreich, about Oestreich not doing his job. He harshly yelled at Oestreich and directed profanity at him. His outburst took place with other coworkers present.

On May 22, 2009, the claimant met with Gonzalez and Grantz. They told him that he was going to be taken off the schedule while they investigated whether he was creating a hostile work

environment. The claimant assumed the issue was his treatment of Oestreich, and replied, "This is about John Oesteich, isn't it? He then admitted to yelling at Oestreich the night before. In fact, Gonzalez and Grantz were not aware of the situation with Oestreich. The claimant wanted to talk about some work issues and raised his voice when Grantz told him the issue was his creating a hostile work environment. Grantz asked the claimant to calm down, and he did.

After investigating the claimant's conduct and interviewing Oestreich and another employee who was present during their conversation on May 21, the employer discharged the claimant on May 27, 2009, for violating the employer's work rules about professional and respectful treatment of employees.

**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 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. The evidence establishes that the claimant yelled at and used profanity towards a co-worker. He had been warned before about similar behavior. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

**DECISION:**

The unemployment insurance decision dated June 23, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw