

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BRANDIE R SUMPTER**  
Claimant

**APPEAL NO: 14A-UI-00742-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLGENCORP LLC**  
Employer

**OC: 12/08/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 16, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant did not respond to the hearing notice or participate in the February 12 hearing. Kathy Lyman and Doris Cotton, the store manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The employer hired the claimant in January 2013 to work as a full-time assistant manager. The claimant received and understood the employer's exchange and refund policy. The refund policy informs employees that when an employee returns merchandise for a refund, there must be at least two other people involved in the transaction. If an employee returns merchandise for a refund and does it herself, the policy informs employees they will be discharged for violating the employer's refund policy.

On October 4, the employer discovered the claimant correctly purchased a prepaid cell phone from another employee on September 14. The claimant paid \$20.00 for the phone. The employer's video surveillance then revealed that after the claimant used the prepaid phone, she went to her register and exchanged the first phone for a second phone. The second phone cost \$60.00 and the claimant paid an additional \$40.00 for the second phone. The claimant did this transaction herself.

The employer's video surveillance then shows the claimant used the second prepaid cell phone. A short time later at her cash register the claimant refunded the all the money she had paid for the two phones. The claimant did this herself and no one witnesses the refund transaction. On October 9, the employer asked the claimant to write up a statement about her understanding of

the employer's refund policy. The claimant demonstrated that she understood the policy. Even though the claimant's job was not in jeopardy prior to September 14 incident, the employer discharged her because she intentionally violated the employer's refund policy.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. An intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant understood the employer's refund policy. The claimant's actions on September 14 show that she intentionally and substantially disregarded the standard of behavior the employer had to right to expect from her. On September 14, the claimant committed work-connected misconduct that the employer discovered on October 4. As of December 8, 2013, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's January 16, 2014 determination (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of December 8, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css