

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TODD C TAYLOR**  
Claimant

**APPEAL NO. 13A-UI-09447-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WEST BUSINESS SOLUTIONS**  
Employer

**OC: 02/24/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 7, 2013, (reference 02) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was held on October 8, 2013. Claimant participated. Employer participated through Miriam Stubblefield, Employee Training Relations Coordinator.

**ISSUE:**

Was the claimant discharged due to job-connected misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a customer service representative beginning on March 4, 2013 through July 11, 2013, when he was discharged. The claimant simply did not handle at least one call in the correct manner. He had demonstrated ability in the past to properly handle the information given to him including inputting it into the computer system and giving the customers accurate information. The employer listened to the call and watched the video of the claimant handling the call. The claimant listened to the call with his supervisor and was seen writing down a phone number that did not even correspond to any account. The claimant promised the customer that someone would be out that day. When the customer did not receive the promised service, the customer called back and the escalation at that point brought the situation to the employer's attention. The claimant never gave Danielle, his supervisor any piece of paper with any information on it regarding this call. The claimant knew and had been trained that this was a sensitive contract. The employer concluded the claimant lied to the customer because no service was sent that day. The employer concluded that the claimant did not follow the instructions. The employer provided the more credible version of events at the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

Iowa Code § 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.

Generally, continued refusal to follow reasonable instructions constitutes misconduct. *Gilliam v. Atlantic Bottling Company*, 453 N.W.2d 230 (Iowa App. 1990). The claimant simply did not follow the procedures. His allegations are not true in light of the employer's review of the tape recording and video recording of the claimant handling the call. The claimant simply told a customer something that was not true. When the customer called back later to complain the employer reviewed the information and determined that the claimant lied to a customer on a very sensitive project. Under these circumstances the administrative law judge determines that the claimant was discharged due to job-connected misconduct and benefits are denied.

**DECISION:**

The August 7, 2013, (reference 02) decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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