

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALYSEN J MACE**  
Claimant

**APPEAL NO: 09A-UI-19291-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEST BUY STORES LP**  
Employer

**OC: 11/15/09**  
**Claimant: Respondent (1)**

Section 96.5-2- a - Discharge

**STATEMENT OF THE CASE:**

The employer appealed a representative's December 8, 2009 decision (reference 01) that concluded the claimant was qualified to receive benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. A telephone hearing was held on February 12, 2010. The claimant participated in the hearing. Tom Kuiper, a representative with TALX, appeared on the employer's behalf. Anna Rochie, the operations manager, testified for the employer. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on January 23, 2009. The claimant worked part-time as a customer solution specialist. As an employee, the claimant was eligible to receive an employee discount. She could only use the discount for herself, her spouse and dependents younger than 23.

On October 20, 2009, an employee gave the employer a printout of the claimant's Facebook status, which indicated her mother bought her a television. The employer learned the claimant had used her employee discount card recently and purchased two television sets with her debit card and received her employee discount.

On November 5, the employer talked to the claimant about her television purchases and her Facebook status. The claimant explained that she purchased the television sets for herself after her mother paid back money the claimant had previously loaned to her. After her mother paid back what she owed the claimant, the claimant purchased two television sets that were put in her residence. One television set was put in her bedroom and one in the living room. The employer concluded the claimant violated the employer's employee discount policy when she

used her employee discount to buy televisions with money her mother put in the claimant's personal bank account. The employer discharged the claimant on November 8, 2009.

**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 employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. *Cosper v. Iowa Department of Job Service*, 321 N.W.2d 6 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. *Lee v. Employment Appeal Board*, 616 N.W.2d 661, 665 (Iowa 2000).

For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is 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 are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

The employer discharged the claimant for reasons that do not constitute work-connected misconduct. In this case, the claimant used her personal debit card to purchase two televisions for her personal use. The fact the claimant had enough money to buy the television sets after her mother paid back money she had previously borrowed from the claimant should not concern the employer. Although the employer asserted the employer's policy prohibits a parent from giving a child money to purchase an item for the child is unreasonable. If the claimant had purchased the television sets for her mother and for her mother's use, then the claimant would have violated the employer's employee discount policy unless the policy allowed employees to use the employee discount for gifts. The employer's reliance on a Facebook status is unreliable and does not establish that the claimant violated the employer's employee discount policy. In addition to the claimant not committing work-connected misconduct, there is also a question of whether the employer's failure talk to the claimant until November 5 would make the mid-October television purchase a current act. Since the claimant did not commit work-connected misconduct, she is qualified to receive benefits as of November 15, 2009.

**DECISION:**

The representative's December 8, 2009 decision (reference 01) is affirmed. The employer discharged the claimant for reasons that do not amount to work-connected misconduct. As of November 15, 2009, the claimant is qualified to receive benefits, provided she meets all other

eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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