

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA M STEELMAN
Claimant

APPEAL NO. 13A-UI-11217-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MTI IOWA INC
Employer

OC: 09/08/13
Claimant: Appellant (1)

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The claimant, Patricia Steelman, filed an appeal from a decision dated September 30, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on October 30, 2013. The claimant participated on her own behalf and with Terri Ruley. The employer, MTI Iowa, participated by Human Resources Assistant Maureen Brown and Human Resources Manager Shelly Mollohan.

ISSUE:

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

FINDINGS OF FACT:

Patricia Steelman was employed by MTI from January 31, 2012 until September 9, 2013 as a full-time customer service representative. She received several warnings regarding being disrespectful to other employees and ignoring the instructions of the supervisors. The final written warning on May 30, 2013, also provided for a three-day suspension and was told her job was in jeopardy if there were any further incidents.

On September 6, 2013, she asked a supervisor if he discriminated against seniors. This was on the calling floor where other staff and customers could hear her. The supervisor, Andrew Cottrill summoned another supervisor, Andie Bratz, and the three of them went to an office for more privacy.

Ms. Steelman again accused them of discriminating against seniors because she had not been given an assignment she wanted. She felt “singled out” and “picked on.” When the supervisors told her it was not her decision which representatives were assigned to which accounts she became more angry and argumentative. Ms. Steelman did not believe she had done anything wrong bringing up these issues on the calling floor.

Finally, the claimant became so disruptive she was asked to leave. She refused even after several requested. The employer threatened to call the police to remove her and then she left. When she returned to work on Monday, September 9, 2013, she was discharged by Site Manager Lacey Davis.

REASONING AND CONCLUSIONS OF 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 had been advised her job was in jeopardy as a result of her disruptive and disrespectful behavior toward supervisors and other employees, and for refusing to follow instructions.

She felt discriminated against on the basis of her age but did not explain how this contributed to the employer's decision to discharge her. It might have been reason to resign but she did not. In fact, Ms. Steelman never filed a complaint with human resources, the EEOC or the Civil Rights Commission.

In spite of the warnings and suspension, she continued to disrupt the calling floor, accuse supervisors of inappropriate management and refused to follow instructions. This is a violation of the duties and responsibilities the employer has the right to expect of an employee and conduct not in the best interests of the employer. The claimant is disqualified.

DECISION:

The representative's decision of September 30, 2013, reference 01, is affirmed. Patricia Steelman is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs