

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSIKA L POWELL**  
Claimant

**APPEAL NO: 14A-UI-10531-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAREER SYSTEMS DEVELOPMENT CORP**  
Employer

**OC: 09/14/14**  
**Claimant: Respondent (2)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's October 2, 2014 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because she had been discharged for nondisqualifying reasons. The claimant did not respond to the hearing notice or participate at the hearing. Deniece Norman, a representative with Employers Edge, appeared on the employer's behalf. Helena Parks, the human resource manager, and Chris Fisher, the safety security manager, appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. 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 claimant started working for the employer in February 2014 as a full-time security officer. The employer's policy informs employees that the employer does not tolerate fraternization between employees and students. This includes socializing with students who are non-family members at home or other public or private establishments and transporting students in a personal vehicle without prior authorization. (Employer Exhibit One.) The claimant acknowledged receipt of the employer's handbook and fraternization policy on February 24, 2014. (Employer Exhibit Two.)

While the employer investigated issues involving another employee, a student reported that the claimant had given him rides in her personal vehicle to Iowa City and Des Moines. The claimant acknowledged to the employer that she had done this. On September 5, 2014, the employer discharged the claimant for violating the employer's fraternization policy.

The claimant established a claim for benefits during the week of September 14, 2014. As of the date of this decision, the claimant has not filed any weekly claims.

**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 knew or should have known the employer did not allow employees to fraternize with students. When the claimant gave a student a ride in her personal vehicle to Iowa City and Des Moines she knowingly violated the employer's policy. The evidence presented at the hearing establishes that the claimant committed work-connected misconduct. As of September 14, 2014, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's October 2, 2014 determination (reference 01) is reversed. The employer discharged the claimant for reasons constituting work-connected misconduct. As of September 14, 2014, the claimant is disqualified from receiving unemployment insurance benefits. 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