

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LORRAINE M AHLBERG
Claimant

JS PROPERTIES LLC
Employer

APPEAL NO. 14A-UI-12331-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/05/14
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 5, 2014, reference 01, which concluded she was discharged for work-connected misconduct. A telephone hearing was held on December 17, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Dallas Janssen participated in the hearing on behalf of the employer with a witness, Michael Jankins.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked as a receptionist for the employer from April 21, 2014 to July 25, 2014. Dallas Janssen is the owner of the business, which provides office space and support services to professionals. The claimant was informed and understood that her job duties were to answer phones professionally, direct calls to the appropriate person or to the person's voice mail, and to take messages. Janssen had counseled the claimant about her rude attitude and failure to properly screen or take messages and let her know that she could be dismissed if the issues continued.

Around July 21, 2014 the claimant answered a call from someone asking for an attorney in the office, Michael Jankins, inquiring about a garnishment matter. The claimant engaged in an extended conversation with the caller of about five minutes during which the claimant told the caller that Jankins did not handle garnishments (which was untrue), asked the caller whether he had contacted the persons who were garnishing the wages, and suggested that he contact the Iowa Bar Association to find some who handled garnishments. Jankins was out of the office that day and the caller did not want to leave a message.

When he got back to the office, Jankins checked to see if the caller had called because he had posted a message on Jankins' website. He listened to a recording of the phone call and was concerned about what he heard. He asked the claimant about the call. She initially said she did not understand what he was talking about. Jankins then played the recording.

Jankins reported what had happened to Janssen. Janssen discharged the claimant on July 25, 2014 due to her improper handling of the phone call from the potential garnishment client and her past history of rude and improper handling of calls.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I found Michael Jankins' testimony about the content of the phone call very believable. The claimant had no business suggesting that Jankins did not handle garnishments or to advise the caller to check with the Iowa State Bar Association to find an attorney. I also believe that Janssen had counseled her in the past about her attitude.

The claimant's conduct was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated October 5, 2014, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

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