

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE R TELGENHOFF
Claimant

APPEAL NO. 09A-UI-10537-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COE COLLEGE
Employer

OC: 05/31/09
Claimant: Appellant (1)

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The claimant, Michelle Telgenhoff, filed an appeal from a decision dated July 14, 2009, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on August 10, 2009. The claimant participated on her own behalf. The employer, Coe College, participated by Dean of Admissions John Grundig, Senior Associate Director of Operations Julie Staker and Supervisor of Records Mary Ohl. Exhibit One was admitted into the record.

ISSUE:

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

FINDINGS OF FACT:

Michelle Telgenhoff was employed by Coe College from January 3, 2008 until May 29, 2009 as a full-time office assistant. Her duties included entering data into the system about students whose admissions had been cancelled for some reason. Information would be sent to her by a recruiter to indicate a particular student had cancelled their admission, and giving the reason for it. Ms. Telgenhoff was then to enter the pertinent information into the system so a letter would be generated and sent to the student. In order to assure the proper letter was generated for the particular student's circumstances, the correct field had to be checked on the data base.

From the beginning Ms. Telgenhoff's error rate was far above average. Her supervisor, Senior Associate Director of Operations Julie Staker, worked with her, double-checking her work, giving her training, sending her e-mails, and meeting with her about specific problems. Her regular performance evaluations consistently mentioned her error rate and the need to improve. After the meetings, warnings and evaluations the claimant's error rate would decline for a period, then would start to increase again.

She was placed on a 90-day probation February 18, 2009, which notified her that her job was in jeopardy if sustained improvement in her error rate was not seen. The probation was extended

somewhat because Ms. Telgenhoff took a medical leave of absence for surgery from May 5 through 18, 2009.

Shortly after she returned to work the claimant was counseled by Ms. Staker about more errors in the cancellation files. There were between 18 and 20 files in a week's period in which contained errors. After that Ms. Staker began to confer with Dean of Admissions John Grundig about the claimant's lack of improvement. It was determined it was no longer feasible for Ms. Staker to continue double-checking Ms. Telgenhoff's work or monitor her performance. She was notified on May 29, 2009, she was discharged.

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 was capable of working to a satisfactory level in performing her job duties as evidenced by the improvement of her performance after counselings and evaluations. The fact that her error level would rise again after a period of time is evidence of her failure to continue to monitor her own work carefully and maintain the improved level of performance.

Failure to work to the best of one's ability in performing job duties is conduct not in the best interests of the employer. The claimant is disqualified.

DECISION:

The representative's decision of July 14, 2009, reference 02, is affirmed. Michelle Telgenhoff is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css