

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ASHLEY M HYSELL
Claimant

APPEAL NO. 14A-UI-11190-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEALTHY CONNECTIONS INC
Employer

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 27, 2014, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on November 17, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Valerie Owens participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The employer is an organization that provides services to disabled persons, including supported community living homes for persons with mental disabilities. The claimant worked as a home manager at the employer's supported community living home site in Corydon, Iowa, from March 10, 2010, to October 10, 2015.

Valerie Owens is the executive director of the employer. Two of her adopted children (C – age 24) and (K – age 19) lived in the home where the claimant worked for a period. In June 2013, K was moved out of the home due to some mental health issues that were creating chaos in the home and exacerbating C's mental health problems. Owens is the legal guardian of K. C also has a legal guardian who is to be consulted about any important decisions that affect her. After K had left the home, Owens and C's guardian had decided that K and C were not to talk on the phone or see each other until K received treatment. The claimant was aware of this decision.

C had a doctor's appointment in Des Moines in late September 2014. The claimant texted K and let her know that she and C were going to be in Des Moines that day for an appointment. They arranged to meet in the sculpture park in Des Moines. The claimant did not let C know that she was going to meet K in the sculpture park, and the claimant made it appear that their meeting was unplanned. The claimant did not consult with the guardians or a supervisor before making the arrangement to meet.

In October 2014, Valerie Owens found out about the meeting that the claimant had arranged between C and K. K told Owens that the claimant asked K not to let anyone know about the meeting.

On October 10, the employer discharged the claimant for insubordination for arranging the meeting between the sisters without notifying their guardians or a supervisor.

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 the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe Owens' testimony that the claimant was aware of the decision that K and C were not to talk on the phone or see each other until K received treatment.

The claimant's disregard of the instruction about K and C not seeing each other 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. Since the claimant was aware of the decision, her conduct in making the arrangement for the sisters to meet in the sculpture park was insubordination. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated October 27, 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

saw/pjs