

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHERRYL I QUICK**  
Claimant

**APPEAL NO. 13A-UI-04141-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FOCUS SERVICE LLC**  
Employer

**OC: 03/10/13**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated March 27, 2013, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on May 14, 2013. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Cortnee Sowders participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked full-time as an agent for the employer from October 10, 2011 to March 6, 2013. She was informed and understood that under the employer's work rules, employees were prohibited from taking any actions to avoid answering calls. She had been warned about such conduct in the past.

On March 6, 2013, the claimant willfully avoided a call by placing a customer on hold for about 45 minutes. The call was monitored, and when the claimant was questioned about the call, she had no valid reason for her actions. She was discharged for willful call avoidance.

**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 claimant's violation of a known work rule 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 March 27, 2013, 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/tll