

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANGELA R WELCH**

Claimant

**APPEAL NO. 09A-UI-09485-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LA QUINTA INNS SUITE**

Employer

**OC: 09/14/08**

**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Angela Welch filed an appeal from a representative's decision dated June 23, 2009, reference 02, which denied benefits based on her separation from La Quinta Inns Suite. After due notice was issued, a hearing was held by telephone on July 20, 2009. Ms. Welch participated personally and offered additional testimony from Willie Watson. The employer participated by Dennis Brewer, General Manager.

**ISSUE:**

At issue in this matter is whether Ms. Welch was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Welch was employed by La Quinta Inns Suite from August 5, 2008 until April 22, 2009. She was last employed full time as a laundry attendant. She was discharged after receiving a series of written and verbal warnings.

Ms. Welch was working as a front desk clerk on March 25, 2009 when she failed to post a cash payment as required. As a result, she received a written warning. She received another written warning on April 9 after she registered guests as family members when they were not. The guests were charged approximately \$40.00 less than the room rate because they were registered as family members. Ms. Welch received a verbal warning the week before her discharge because she was using profanity in the lobby as she was going out the door.

The final incident that prompted Ms. Welch's discharge occurred on April 21 when she was working as a laundry attendant. She was called and asked to take linens to a guest room. Her response was that was that she was not taking "shit" up to the room. She subsequently had a maintenance person take the requested items to the guest's room. She was notified of her discharge the following day.

## **REASONING AND CONCLUSIONS OF LAW:**

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). For reasons that follow, the administrative law judge concludes that disqualifying misconduct has been established by the evidence.

The administrative law judge believes the failure to post the cash payment on March 25 was an oversight on Ms. Welch's part. However, her conduct during the month of April represented a pattern of disregarding the standards the employer had the right to expect. She allowed guests to have a family discount when they were not, in fact, family members. Her actions constituted theft as they resulted in the employer receiving less than the full value of the room. She knew or should have known that using profanity in a guest area, such as the lobby, would not be tolerated by the employer. As a result of the warnings she received, she had to have known that her continued employment was in jeopardy.

In spite of prior warnings, Ms. Welch was insubordinate when asked to take items to a guest on April 21. It is true that she arranged to have a maintenance person deliver the requested items. However, her statement that she was not taking "shit" to the room was clearly insubordinate. If the three incidents referred to herein had occurred over a significant span of time, the administrative law judge might be inclined to characterize them as isolated instances of poor judgment. However, they all occurred over a period of approximately two weeks. It is concluded that the conduct constituted a substantial disregard of the employer's standards and interests. Accordingly, benefits are denied.

## **DECISION:**

The representative's decision dated June 23, 2009, reference 02, is hereby affirmed. Ms. Welch was discharged for disqualifying misconduct. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css