

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASMINE R TYNDALL
Claimant

APPEAL NO: 11A-UI-12610-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

OC: 08/07/11
Claimant: Appellant (1)

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 16, 2011 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the hearing. Hanna Cook and Judy Easton appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in mid-April 2011. The employer hired her as a full-time customer support representative. The claimant handled customer retention calls.

On August 5, the claimant took a call from a customer who wanted his account cancelled. He no longer wanted his credit card charged. The claimant understood he was going to give his radio to someone else. Even though the claimant explained about the reactivation fee and the services he received could be invoiced, the customer did not want to get an invoice. Even though the claimant made notes that the customer wanted services cancelled and did not want his credit card billed or receive an invoice, the claimant recorded that the customer wanted to be invoiced. By making this record, the claimant recorded this call as a save. She would monetarily benefit from this transaction at the end of the month.

The client provides the employer with daily reports and asked the employer to investigate this call because it appeared to be an unauthorized save. The employer listened to the call. The employer verified that the customer wanted the services cancelled, but the claimant did not do this. The employer concluded the claimant had been intentionally dishonest. On August 11, the employer discharged the claimant for intentional dishonesty.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant did not remember the specifics of this call. She acknowledged the work environment is very competitive, individually and between teams. The claimant also acknowledged that if a customer told her to stop charging his credit card and did not want to receive an invoice for services, she should deactivate or cancel the customer's account.

The facts establish the claimant reported the customer wanted to be invoiced, but in reality he did not. The employer established that the claimant committed work-connected misconduct by failing to accurately deactivate a customer's account as the customer requested. As of August 7, 2011, the claimant is not qualified to receive benefits.

DECISION:

The representative's September 16, 2011 determination (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of August 7, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css