

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASSANDRA J MCBRIDE
Claimant

APPEAL NO. 14A-UI-03988-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ABCM CORPORATION
Employer

OC: 03/14/14
Claimant: Respondent (2)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated April 7, 2014, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on May 6, 2014. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Angela Klus participated in the hearing on behalf of the employer with witnesses, Traci Grady and Regina Haley. Exhibit One was admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time as a certified nurse's aide and medication aide from June 20, 2012, to March 17, 2014. She was informed and understood that under the employer's work rules, inappropriate behavior, poor team relations, and poor attitude was grounds for dismissal.

The claimant was warned in writing about inappropriate behavior and comments on September 18, 2012; September 5, 2013; and November 6, 2013. The November 6 warning including a one-day suspension, and she was told that another violation would result in her discharge. The behavior that prompted the suspension included inappropriate profanity about a resident in a hallway and rudely ordering other employees around.

In March 2014, coworkers complained about the claimant's conduct. Employees reported the claimant was overly aggressive, was yelling at other CNAs and telling them what to do, and was complaining when employees did not immediately respond.

As a result of the claimant's recurrent inappropriate behavior, poor team relation, and negative attitude, the employer discharged the claimant on March 17, 2014.

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 April 7, 2014, reference 01, is reversed. 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