

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONYA L WILLIAMSON
Claimant

APPEAL NO: 11A-UI-15158-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QUALITY INN & SUITES
Employer

OC: 10/23/11
Claimant: Respondent (1)

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's November 17, 2011 determination (reference 03) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant had been discharged for nondisqualifying reasons. The claimant participated in the hearing with her witness, Ebony Campbell. Keith Eastman, the general manager, 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 qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The employer hired the claimant in July 2011 to work as a part-time guest service agent. The claimant's job was not in jeopardy before October 23, 2011.

On October 23, the claimant had several pipeline workers checking in at the same time. Two of the workers paid cash for their room. When the claimant checked in these two guests, she was distracted when guests asked her questions. She made a number of mistakes on the computer when she clicked on the wrong link. As a result of her mistakes, the cash paying guests received receipts that reflected a number of charges added and then deleted. When a customer pays cash, the guest service agent is supposed to only post cash so nothing else shows on the customer's receipt. As a result of the addition and deletion of charges, it was difficult for the guests and the employer to know if the guests had been charged the correct amount.

The claimant told Eastman about the transactions she inadvertently made and then attempted to correct by deleting them. She had not done anything like this before. The employer discharged the claimant on October 23 for this incident. The employer told the claimant she was discharged because the employer could not initially figure out the paperwork for these guests and she had not received a payment from a guest who had checked in for just one night.

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. The employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. *Cosper v. Iowa Department of Job Service*, 321 N.W.2d 6 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. *Lee v. Employment Appeal Board*, 616 N.W.2d 661, 665 (Iowa 2000).

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 employer discharged the claimant for business reasons. Since the October 23 incident was the first time the claimant had done anything like this and her job was not in jeopardy prior to this date, the evidence does not establish that she intentionally failed to follow the employer's policies or that she substantially disregarded the employer's interests. The claimant made mistakes when she accepted cash payments from two guests and tried to correct the mistakes she made. The claimant also told the employer about the mistakes she made. The evidence does not establish that the claimant failed to receive payment from a guest who stayed just one night. The evidence does not establish that she committed work-connected misconduct. Therefore, as of October 23, 2011, the claimant is qualified to receive benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's November 17, 2011 determination (reference 03) is affirmed. The employer discharged the claimant for business reasons, but the claimant did not commit work-connected misconduct. As of October 23, 2011, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css