

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAULA G ALEXANDER**  
Claimant

**APPEAL NO: 13A-UI-11192-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**VON MAUR INC**  
Employer

**OC: 08/25/13  
Claimant: Respondent (1)**

Iowa Code § 96.6(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's September 24, 2013 determination (reference 02) 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. Joy Myers, an Equifax claims specialist, Amy Miller, the human resource manager, and Emily Mann, the customer relations manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is 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 on July 9, 2013. The employer hired the claimant to work as a full-time fraud analyst. Mann supervised her. When the claimant was hired, she watched the employer's new hire video and then signed a document indicating she understood the employer's policies. The claimant understood family members could work at the same location, but could not work in the same department. The claimant did not understand that loss prevention associates could not have family members work at the same location. Instead, they would have to work at a different location.

The claimant's daughter lives in the same apartment complex as the claimant. The employer hired the claimant's daughter as a customer service representative at the same location that the claimant worked. The claimant did not know her daughter had been hired on August 13 until she saw a company email. Since the claimant and her daughter did not work in the same department, the claimant did not think to tell Mann that the employer had hired her daughter.

The employer learned the claimant and her daughter both worked for the employer when a car dealer called to verify employment for the claimant and her daughter. The claimant's daughter had applied for a car loan.

On August 23, the employer talked to the claimant. The claimant acknowledged she had learned the employer had hired her daughter and they lived in the same apartment building. The employer discharged the claimant on August 26, 2013, because she had not told management that the employer had hired her daughter and they worked at the same location.

**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).

The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. 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 do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The employer established justifiable business reasons for discharging the claimant. Since the claimant did not understand the employer's policy that none of her family members could work at the same location as she did, the evidence does not establish that the claimant intentionally disregarded the employer's interests or her duties and obligations to the employer. The claimant did not commit work-connected misconduct. Therefore, as of August 25, 2013, 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 September 24, 2013 determination (reference 02) is affirmed. The employer discharged the claimant for business reasons, but the claimant did not commit work-connected misconduct. As of August 25, 2013, 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.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css