

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER M THIES**  
Claimant

**APPEAL NO. 10A-UI-00158-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CALERIS INC**  
Employer

**Original Claim: 11/15/09  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated December 28, 2009, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on February 11, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Heidi Brodersen participated in the hearing on behalf of the employer with a witness, Bobbie Jo Barry.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked full-time for the employer as a technical service representative from May 7, 2007, to November 19, 2009. She was responsible for handling in-bound technical support calls for a client business.

The claimant was discharged on November 19, after a client complained that the claimant had sent an email to a customer on November 16 regarding a support question, instead of calling the person, which was the mandatory procedure. The claimant was aware of this procedure but did not closely review the account information to find the phone number.

The claimant had received warnings in the past for similar problems, including a final written warning that her job was in jeopardy on November 4, 2009.

Although the claimant suffers from epilepsy and has had problems with seizures, the failure to follow the required procedures in contacting customer was not due to this problem.

**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 failure to follow required procedures in handling customer calls 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 December 28, 2009, reference 01, is affirmed. 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw