

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIYADA Q SANDERS**  
Claimant

**APPEAL NO. 07A-UI-05425-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HILLCREST FAMILY SERVICES**  
Employer

**OC: 04/29/07 R: 04**  
**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Kiyada Sanders filed an appeal from a representative's decision dated May 16, 2007, reference 01, which denied benefits based on her separation from Hillcrest Family Services. After due notice was issued, a hearing was held by telephone on June 12, 2007. Ms. Sanders participated personally. The employer participated by Julie Heiderscheid, Vice President for Human Resources.

**ISSUE:**

At issue in this matter is whether Ms. Sanders was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Sanders was employed by Hillcrest Family Services from October 24, 2006 until April 27, 2007. She was employed full time as a youth care worker. She worked in a group home that housed approximately ten adolescents. Her hours were from 2:30 p.m. until 10:30 p.m. On or about April 26, a coworker complained about Ms. Sanders' excessive personal telephone calls. In response, the employer looked at its telephone records for the period beginning November 1, 2006.

The employer's review of its telephone records revealed that Ms. Sanders had spent 27 hours on long-distance calls using the employer's telephone. The total cost of the calls was approximately \$80.00. Ms. Sanders did not have a home telephone and was making calls to her boyfriend and to her mother from work. There were no emergencies that necessitated the calls. Ms. Sanders was notified on March 1, when her probation was extended, that she was spending too much time on personal calls. On March 3, she started a personal call at 7:53 p.m. and was on the line for 99 minutes. She was notified of her discharge on April 27, 2007.

## **REASONING AND CONCLUSIONS OF LAW:**

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). For reasons that follow, it is concluded the employer has satisfied its burden of proof. Ms. Sanders' use of the employer's telephone to make personal long-distance calls constituted theft as it resulted in the employer making payment for calls that were not work related. She knew or should have known that such conduct was contrary to the employer's standards.

Ms. Sanders' personal calls not only cost the employer money, they detracted from the time she could spend with the clients in her care. It was the employer's expectation that she would devote her work time to performing duties associated with the care of the clients. Ms. Sanders could not devote her full efforts to her job if she was spending time on personal telephone calls. Her work shift began at 2:30 p.m. and ended at 10:30 p.m. She had sufficient time before her shift to handle personal matters and make personal telephone calls. The fact that she did not have a home telephone was not justification for utilizing the employer's phone to make personal calls when she was supposed to be working.

The administrative law judge concludes that Ms. Sanders's conduct in making unauthorized long-distance calls from work and her conduct in not devoting her full efforts to her job constituted a substantial disregard of the standards the employer had the right to expect. For the reasons cited herein, benefits are denied.

## **DECISION:**

The representative's decision dated May 16, 2007, reference 01, is hereby affirmed. Ms. Sanders was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css