

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE D LAFFIN**  
Claimant

**APPEAL NO. 10A-UI-00484-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL  
SERVICES LLC**  
Employer

**OC: 12/13/09**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated January 11, 2010, reference 01, which denied benefits based upon her separation from Aventure Staffing & Professional Services LLC. After due notice, a telephone conference hearing was scheduled for and held on March 25, 2010. Claimant participated personally. The employer participated by Ms. Cyd Hall, Julie Mozak and Laura Pedersen. Employer's Exhibit A was received into evidence. Exhibit B was not received. Claimant's Exhibit One was not received.

**ISSUE:**

The issue in this matter is whether the claimant was discharged for misconduct sufficient to warrant the denial of unemployment insurance benefits.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Michelle Laffin was last employed by Aventure Staffing & Professional Services on December 15, 2009. The claimant worked as a full-time accounting clerk. Her immediate supervisor was Julie Mozak. The claimant was discharged based upon an incident that had taken place on December 14, 2009.

On December 14, 2009 the claimant, Ms. Laffin, and her immediate supervisor, Julie Mozak, had become engaged in a verbal exchange. The exchange was based in part on work-related matters but primarily was related to personal issues about information being shared among individuals that both the claimant and Ms. Mozak personally knew and were interacting with. The disruptive nature of the exchange between Ms. Laffin and Ms. Mozak caused other company employees, including the office manager, Ms. Hall and Ms. Pedersen, to overhear the dispute and become involved. Both Ms. Laffin and Ms. Mozak were instructed to stop the behavior. The claimant however resumed the dispute with Ms. Mozak. When Ms. Pedersen again attempted to intervene the claimant was not responsive to work-related directives, talked over Ms. Pedersen and refused to follow a directive to leave. Ms. Laffin continued to make

statements that were argumentative in nature and remained in the work area in spite of Ms. Pedersen's directives.

Based upon the claimant's conduct on December 14, 2009 and her failure to follow the work-related directives that had been given to her to cease being argumentative and to leave the premises, a decision was made to terminate Ms. Laffin from her employment with the company. The claimant was discharged the following morning when she reported to work.

It is the claimant's position that Ms. Mozak was the moving party in causing the verbal exchange and escalating it and that the claimant's discharge was unjustified.

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

The question before the administrative law judge is whether the evidence in the record is sufficient to warrant the denial of unemployment insurance benefits. It is.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

The evidence in the record establishes that the claimant was discharged based upon an ongoing verbal altercation that had taken place between the claimant and the company's human resource director on December 14, 2009. The exchange developed between the parties based upon work issues as well as personal issues. The personal issues appeared to be the triggering

event that caused both parties to be argumentative and cause them to act inappropriately in the work setting.

The decision was made to terminate Ms. Laffin because the claimant was unwilling to follow reasonable and work-related directives that had been given to her by management to cease being argumentative and to leave the premises. The evidence establishes that both the claimant and Ms. Mozak were engaging intemperate and inappropriate behavior. The evidence however also establishes that Ms. Laffin repeatedly re-escalated the conflict and was not willing to follow the directives given to her by Ms. Pedersen to conduct herself appropriately and to leave the premises because of a conflict. The claimant's failure to follow the reasonable work-related directives showed a disregard for the employer's interests and standards of behavior and thus was disqualifying conduct.

The testimony in this case is highly disputed. The administrative law judge places more weight on the employer's testimony as the testimony of the witnesses corroborate the testimony that Ms. Laffin did not follow the directives that had been given to her and continued to act inappropriately after being warned to discontinue that conduct. Benefits are withheld.

**DECISION:**

The representative's decision dated January 11, 2010, reference 01, is affirmed. The claimant is disqualified. Unemployment insurance benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided that she is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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