

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TAMARA L ROBINSON**  
Claimant

**APPEAL NO: 14A-UI-10616-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PER MAR SECURITY & RESEARCH CORP**  
Employer

**OC: 09/07/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's September 29, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge. The claimant participated at the October 30 hearing. Dory Retherford, the central station manager, and Marilyn Wilmington, the claimant's immediate supervisor, 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 not 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 in August 2011. She worked full time as a central station dispatcher. When the claimant started working she received training on how to professionally interact with customers. On a regular basis supervisors listen to taped calls and talk to employees about what they have done that is good and what they should have done to provide better customer service.

During her latest annual review in April 2014, the claimant learned she needed to make sure she was not short or rude with customers. The employer also talked to the claimant to be aware of her tone of her voice when she talked to customers.

In September 2014 there were several times the claimant failed to provide professional and accurate information to customers. On September 3, the claimant told a customer his alarm was in a test mode and it was not. When the claimant could not find this customer's name, she told him his system was in test mode instead of asking him his address so she could find his account.

On September 8, a customer called to let the employer know he was leaving his home and asked the employer not to call the police if the alarm went off again because his system had been giving false alarms. Instead of asking the customer his address so she could look up his

account, the claimant made the comment that she did not know why he was calling. The customer did not appreciate the comment and indicated he may have to look for a new security company. Retherford talked to the claimant about this phone call and suggested ways she could have been more professional to this customer.

On September 10, the claimant called a customer because the customer's alarm had been triggered. This business was under construction. The person who answered the call is difficult to work with. She was upset that the claimant had called and did not want to give the claimant the passcode that claimant asked for. When the employer initiates a call to a customer, the customer is not required to give the employer the passcode. Instead of thanking the customer for her time and ending the call, the claimant persisted in trying to get the passcode from this person. The customer became upset and finally hung up on the claimant. The customer then called a salesperson and cancelled a \$30,000 order with the employer because of the way the claimant had talked to her.

When the employer listened to the September 10 conversation, the employer concluded the claimant failed to do her job, had been rude, obnoxious and unprofessional when she argued with this customer. Since the claimant did not need to get the passcode from the customer, the claimant argued with and upset the customer for no legitimate reason. The employer discharged the claimant on September 12 for continued unprofessionalism by being too aggressive and unprofessional when talking to customers.

#### **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 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 claimant knew or should have known the employer was concerned about her professionalism and the way she talked to customers. In early September she was not truthful when she told a customer his system was in a test mode when she could not find his account and made an uncalled for comment when she told a customer she had no idea why he was calling the employer. While the employer was concerned about these comments, the fact the claimant argued about getting a passcode from a customer on September 10 when the customer was not obligated to give her the passcode and there was no need for an argument amounts to an intentional and substantial disregard of the employer's interests. As a result of the claimant's rudeness the employer lost a \$30,000 sale. The employer discharged the claimant for reasons amounting to work-connected misconduct. As of September 7, 2014, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's September 29, 2014 determination (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. As of September 7, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. 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/pjs