

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY SAUNSOCI
Claimant

APPEAL NO. 07A-UI-05623-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NHAO LLC
Employer

**OC: 04/29/07 R: 01
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Mary Saunsoci filed an appeal from a representative's decision dated May 21, 2007, reference 01, which denied benefits based upon her separation from Nhao LLC. After due notice was issued, a hearing was scheduled for and held by telephone on June 21, 2007. Ms. Saunsoci participated personally. The employer participated by Gary Troth, Executive Director and Jennifer Cousineau, Housekeeping Manager.

ISSUE:

At issue in this matter is whether Ms. Saunsoci was discharged from employment for misconduct in connection with her work.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having considered all of the evidence in the record, the administrative law judge finds: The claimant last worked for this employer from January 2, 2006 until May 3, 2007 when she was discharged from employment. Ms. Saunsoci held the position of full-time housekeeper and was paid by the hour, Her immediate supervisor was Jennifer Cousineau.

The claimant was discharged for what the employer considered to be disruptive conduct and breach of confidentiality when the claimant discussed a recent reprimand that had been given to her disrupting staff and some residents. The claimant had previously been warned about disruptive conduct and was aware that under company policy disciplinary actions and other employment matters were confidential. Based upon the previous warnings that had been served upon Ms. Saunsoci and the disruptive nature of the most recent incident, the decision was made to terminate the claimant from employment.

Ms. Saunsoci disagreed with the disciplinary action that had been given to her and initially was unwilling to sign the disciplinary form. After leaving the executive director's office, the claimant exchanged views about the disciplinary action with other employees and/or residents. Ms. Saunsoci believed that her supervisor "did not like her" and that any and all disciplinary actions given by her supervisor were unjustified.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes based upon the evidence in the record that the employer has sustained its burden of proof in establishing that the claimant's discharge took place under disqualifying conditions. The evidence in the record indicates that Ms. Saunsoci had previously been warned about disruptive behavior and was aware that under company policy disciplinary actions and other employment information was confidential and should not be discussed with other workers or residents. After receiving a warning for what the claimant considered to be unjustifiable reasons, Ms. Saunsoci was upset and brought her concerns to other workers and/or residents. This action in turn caused these individuals to be upset and/or distracted from their normal routines. Based upon the previous warnings that had been served upon the claimant and her most recent conduct the decision was made to terminate Ms. Saunsoci from her employment.

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.

For the reasons stated herein, the administrative law judge concludes that the claimant's conduct after warning showed a disregard for the employer's interests and standards of behavior and thus was disqualifying. Benefits are denied.

DECISION:

The decision of the representative dated May 21, 2007, reference 01, is affirmed. The claimant was discharged for misconduct. Unemployment insurance benefits shall be withheld until the

claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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