

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEGAN S DODA
Claimant

APPEAL NO. 09A-UI-06982-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 04/05/09
Claimant: Appellant (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Megan Doda filed an appeal from a representative's decision dated April 29, 2009, reference 01, which denied benefits based on her separation from Casey's Marketing Company. After due notice was issued, a hearing was held by telephone on June 2, 2009. Ms. Doda participated personally. The employer participated by Dawn Dozark, Second Assistant Manager, and Amanda Henkes, Assistant Manager.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Doda was employed by Casey's from August 24, 2007 until April 5, 2009. She worked from 20 to 30 hours each week as a cashier and cook. On April 3, 2009, a regular customer reported comments Ms. Doda made to him regarding individuals who were being considered for a management job. She had referred to two gay contenders as "butt-buddies." Ms. Doda was discharged after another employee confirmed that she had made the reference. Her statement was considered a violation of the policy prohibiting harassment. The above matter was the sole reason for the discharge.

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). Ms. Doda was discharged after she made an inappropriate comment regarding other Casey's employees. If the comment had been confined to a private, personal conversation she was having with one coworker, the administrative law judge might be inclined to view it as a minor lapse in good judgment.

Ms. Doda's reference to other associates as "butt-buddies" was an apparent reference to their sexual preference. Her comment was made in a public area of the store while speaking with a customer. Her comment had the potential of effecting customer relations. She knew or should have known that such references in the workplace, especially in the presence of customers, was contrary to the employer's expectations and standards. For the reasons cited herein, it is concluded that disqualifying misconduct has been established and benefits are denied.

DECISION:

The representative's decision dated April 29, 2009, reference 01, is hereby affirmed. Ms. Doda was discharged for misconduct in connection with her employment. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css