

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTOINETTE ARMOUR**  
Claimant

**APPEAL NO. 07A-UI-10548-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WS LIVE LLC**  
**ADVANCED DATA COMM**  
Employer

**OC: 10-14-07 R: 04**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the November 5, 2007, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on December 3, 2007. The claimant did participate. The employer did participate through Carla Donar, Director of Human Resources, and (representative) Luis Del Toro, Call Center Manager.

**ISSUE:**

Was the claimant discharged for work-related misconduct?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a customer service representative/inbound sales representative part time beginning November 6, 2006, through October 16, 2007, when she was discharged.

The claimant was discharged because the employer believed she was inaccurately or falsely classifying some of her account calls. On October 16 the employer listened to eight calls the claimant conducted. On four of the calls, the employer heard no customer on the line but noted that the claimant coded the calls as “saves.” The claimant knew that she was to code calls as saves only when she spoke to a customer and convinced them not to cancel their account or order. The claimant knew that when no customer was on the line, she should not code the call as a save. On October 16 the employer also listened to four calls the claimant had with customers. On each of those four calls, the claimant coded the call as a “save” when each of them should have been coded as something else. The claimant was required to make a certain number of “save” calls per month and on months when she exceeded her “save” expectation, she could receive a bonus. The claimant had received the employer’s handbook and knew that falsification of records could lead to her discharge. Any time an employee is discovered falsifying any records, the employer discharges no matter what the claimant’s history of previous discipline may contain.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

Iowa Code § 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 claimant knew that it was against the employer's policy for her to code a call as a save when no customer participated in the call or when the customer did not ask to cancel the account. The administrative law judge is persuaded that on the eight calls the employer monitored, the claimant miscoded the calls. The administrative law judge is persuaded that the claimant miscoded the calls in order to meet her minimum expectations and or to receive a bonus. The claimant knew that miscoding calls was conduct not in the employer's best interest. The claimant's miscoding of calls is misconduct sufficient to disqualify her from receipt of unemployment insurance benefits.

**DECISION:**

The November 5, 2007, reference 01, decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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