

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARBARA A SCHROEDER**  
Claimant

**APPEAL NO: 07A-UI-03888-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SYSTEMS UNLIMITED INC**  
Employer

**OC: 03/18/07 R: 03  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the April 11, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on Mary 8, 2007. Claimant participated. Employer participated through Mattie Cafferty.

**ISSUE:**

The issue is whether claimant was discharged for reasons related to job misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed as a full time counselor from June 24, 2004 until March 14, 2007 when she was discharged. Counselors and claimant's peers, Moosa and Rochelle (a friend of claimant), had a disagreement and claimant was unhappy with employer's handling of the disciplinary matter related to Moosa. On March 9 and 13 claimant's supervisor, Regan Mason, specifically told claimant he had handled the matter and she was to "move on" from the incident. On March 13 claimant made scheduling decisions against the wishes of Mason by removing Moosa from the schedule (he had been called in to work for someone else) because she did not think Rochelle and Moosa should work together. Rochelle and Moosa had already agreed to work together and claimant's removal of Moosa from the shift confused him and he reported the situation to the employer. While she had made prior scheduling changes under a different supervisor, Mason did not follow that procedure and had asked employees not to involve themselves in schedule changes.

**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.

This definition has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. *Huntoon v. Iowa Department of Job Service*, 275 N.W.2d 445, 448 (Iowa 1979).

Generally, continued refusal to follow reasonable instructions constitutes misconduct. *Gilliam v. Atlantic Bottling Company*, 453 N.W.2d 230 (Iowa App. 1990).

Claimant's removal of Moosa from the schedule after her supervisor told her he would handle the matter and to move on, and her violation of his earlier directive for employees not to participate in schedule changes is evidence of her willful intent not to follow her supervisor's instruction and is misconduct. Benefits are denied.

**DECISION:**

The April 11, 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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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/pjs