

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRISTY CHRISTENSEN**  
Claimant

**APPEAL NO. 13A-UI-07417-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HARVEYS IOWA MANAGEMENT CO INC  
HARRAHS COUNCIL BLUFFS CASINO**  
Employer

**OC: 06/02/13  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)(a) - Discharge for Misconduct

**STATEMENT OF THE CASE:**

Kristy Christensen (claimant) appealed an unemployment insurance decision dated June 17, 2013, reference 01, which held that she was not eligible for unemployment insurance benefits because she was discharged from Harrah's Council Bluffs Casino (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 29, 2013. The claimant participated in the hearing. The employer participated through Robert Zink, Casino Operations Manager. Employer's Exhibits One through Seven were admitted into evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time table games dealer from May 1, 2007 through May 31, 2013, when she was discharged for a repeated violation of company policy. The employer must follow state regulated protection measures which are listed in its policies and procedures for dealing. The employer's disciplinary policy requires a documented coaching, a written warning, and a final written warning before discharging an employee. The claimant received a documented coaching on November 2, 2012; a written warning on February 13, 2013; and a final written warning on March 1, 2013.

The employer issued the claimant an informational coaching on April 24, 2013 for failure to follow policy by failing to mark the number following her spin on roulette. Internal controls require that all spins be marked prior to paying or taking player wagers. Not marking the number impacts the surveillance department's ability to follow the game. The claimant was advised that following table games procedures and policies are non-negotiable and must be adhered to at all times.

The claimant was suspended on May 27, 2013 and discharged on May 31, 2013 for violation of company procedures. She spilled the cards across the layout, which resulted in exposing the cards face up on the table. The claimant was required to notify her supervisor and reshuffle the cards but she did neither and just continued the game.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the employer discharged the claimant for work-connected misconduct. A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a.

Iowa Code section 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 employer has the burden to prove the discharged employee is disqualified for benefits for misconduct. *Sallis v. Employment Appeal Bd.*, 437 N.W.2d 895, 896 (Iowa 1989). The claimant was discharged for repeated policy violations. She knew that her job was in jeopardy and knew that it was mandatory she follow all policies and procedures required in the gaming industry. When a claimant intentionally disregards the standards of behavior that the employer has a right to expect of its employees, the claimant's actions are misconduct. Benefits are denied accordingly.

**DECISION:**

The unemployment insurance decision dated June 17, 2013, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits because she was discharged from work for misconduct. Benefits are withheld until 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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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs