

ISSUE:

Did the employer discharge the claimant for work-connected misconduct?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work with the employer on August 17, 2004. The employer assigned the claimant to a job at Eaton's on October 4, 2004. The claimant held a number of temporary assignments at Eaton's. The most recent assignment began on February 16, 2005. In mid- or late-August 2005, Eaton personnel informed the claimant she would be training another person to take over the job she had been doing. The claimant did not know Eaton's management wanted to place her at another job.

When the claimant started training another person for the job she had been doing since February, Eaton management noticed a change in the claimant's attitude. Specifically, the claimant became rude to people and she began taking longer breaks. On September 2, 2005, when an Eaton's manager observed the claimant dozing at her desk, Eaton's told the employer to remove the claimant from the job assignment. September 2, 2005, was the claimant's last day of work. The employer did not have another job to assign to the claimant.

The claimant reopened her claim for unemployment insurance benefits during the week of September 4, 2005. She filed a claim for the weeks ending September 10. The claimant received her maximum weekly benefit amount of \$277.00 for this week.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant became unemployed in early September because she intentionally and substantially disregarded the employer's interests by her rude and unprofessional conduct. The facts do not establish any justifiable reason for the claimant's change in attitude. The employer established that the claimant committed work-connected misconduct. Therefore, as of September 4, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the week ending September 10, 2005, and has been overpaid \$277.00 for benefits she received this week.

DECISION:

The representative's September 30, 2005 decision (reference 03) is reversed. The claimant's assignment ended because she committed work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of September 4, 2005. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The claimant is not legally entitled to receive benefits for the week ending September 10, 2005. The claimant has been overpaid and must repay \$277.00 in benefits she received for this week.

dlw/kjw