

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBIN BRADLEY**  
Claimant

**APPEAL NO. 07A-UI-06821-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAMBRIDGE HOSPITALITY LLC**  
Employer

**OC: 06-17-07 R: 03  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 9, 2007, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 25, 2007. The claimant participated in the hearing. Linda Hubbert, Hotel Supervisor and Deb Harris, Housekeeping Supervisor, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the employer discharged the claimant for work-connected misconduct.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time housekeeper for Cambridge Hospitality from July 13, 2005 to June 16, 2007. The employer gives employees 24 minutes to clean each room. In 20 days, the claimant was over 19 times. On ten of those days it took her at least 30 minutes and on one day she was 40 minutes over. On June 8, 2007, the claimant received a written warning for exceeding the allowed time to clean rooms after she was caught using her cell phone during work on several occasions. The warning indicated termination would result if her time standards did not improve and the claimant signed the warning June 12, 2007. On June 13, 2007, a guest complained that the claimant provided clean towels but did not put clean sheets on the bed or clean the room. She also averaged over 30 minutes per room that day. The employer verbally warned the claimant about her room times on several occasions and the claimant's performance would improve for a period of time and then decline. The employer terminated the claimant's performance after the written warning June 12, 2007, and several guest complaints including the one on June 13, 2007.

**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 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 claimant was warned both verbally and in writing about her failure to consistently meet the employer's time standards per room. Her performance would improve after the warnings, which demonstrates that she was capable of working to the employer's expectations when she made the effort and was not spending time on personal cell phone calls. Because the claimant showed she could perform the job within the time standards set by the employer, the administrative law judge concludes she was not discharged for inability to perform but a willful failure to do so. Therefore, her conduct demonstrated a willful disregard of the standards of behavior the employer has the right to expect of employees and shows an intentional and substantial disregard of the employer's interests and the employee's duties and obligations to the employer. The employer has met its burden of proving disqualifying job misconduct. Cosper v. IDJS, 321 N.W.2d 6 (Iowa 1982). Benefits are denied.

**DECISION:**

The July 9, 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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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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