

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRISTEN M FRIEDRICHS**  
Claimant

**APPEAL NO. 12A-UI-10181-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARLISLE COMMUNITY SCHOOL DIST**  
Employer

**OC: 07/22/12  
Claimant: Appellant (2)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The claimant, Kristen Friedrichs, filed an appeal from a decision dated August 13, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on September 18, 2012. The claimant participated on her own behalf and was represented by Christy Hickman. The employer, Carlisle Community School District (Carlisle), participated by Human Resources Director Diane Whited.

**ISSUE:**

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

**FINDINGS OF FACT:**

Kristen Friedrichs was employed by Carlisle from May 17, 2009 until June 8, 2012 as a full-time high school mathematics teacher. In the spring of 2011 High School Principal Mike Anthony met briefly with the claimant to tell her there had been comments made about the amount of time a particular student had been spending in the classroom with her after hours for tutoring. He said to “be careful.”

After that Ms. Friedrichs desisted one on one lessons with the student. The next fall the student came to her and said she wanted help because she had “come out” to her parents over the summer. The claimant said she could not do that because of the possibility of accusations of inappropriate conduct and took her to the high school principal to arrange for counseling for the student.

The student completed her classes December 21, 2011, and enrolled in a local college in January 2012. In February 2012 Ms. Friedrichs and the student moved in together. On May 25, 2012, Mr. Anthony, Human Resources Director Diane Whited, and Superintendent Tom Lane met with the claimant about rumor and reports made by parents in the school district about her relationship with the former student. She admitted they had been living together since February 2012, while the former student was enrolled in college. On June 8, 2012, there was another

meeting at which Mr. Lane told the claimant she was going to be fired for inappropriate conduct with the former student.

The district has a rule which states any teacher must wait at least 30 days after graduation before beginning a personal relationship with a former student. The employer stated the student had not participated in a formal graduation ceremony in December 2011, but acknowledged she had completed all necessary coursework to complete her high school degree, did not sign up for any classes in the spring 2012 semester and did not dispute the student had enrolled as a freshman at a local college in January 2012.

### **REASONING AND CONCLUSIONS OF LAW:**

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 of proof to establish the claimant was discharged for substantial, job-related misconduct. *Cosper v. IDJS*, 321 N.W.2d 6 (Iowa 1982). The employer based its decision to discharge Ms. Friedrichs on its "opinion" the relationship had actually started sooner than February 2012, although no proof was offered to support that opinion.

The employer acknowledged the 30-day rule but tried to justify the discharge by asserting the student had not participated in a formal graduation ceremony in December 2011. But the student could not have enrolled in college without a high school diploma and the administrative law judge finds this argument to be without merit.

The record establishes the claimant was discharged for reasons other than misconduct or inappropriate conduct with a student or violation of the 30-day rule. The employer has failed to meet its burden of proof and disqualification may not be imposed.

**DECISION:**

The representative's decision of August 13, 2012, reference 01, is reversed. Kristen Friedrichs is qualified for benefits, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs