



Department of Inspections,
Appeals, & Licensing

Iowa Department of Inspections, Appeals, & Licensing
Administrative Hearings Division
6200 Park Avenue, Suite 100, East Entrance
Des Moines, IA 50321-1270

Appeal Decision

Claim Number:
[REDACTED]

Determination Number:
7500453

Appeal Filed By:
SONIA MEADE

Appeal Filed Date:
01/06/2026

Appeals Bureau Docket:
2026000257-AT

[REDACTED]

APPEALS BUREAU DECISION OF ADMINISTRATIVE LAW JUDGE

Mail Date: March 6, 2026

Appellant

Claimant/Job Seeker: SONIA MEADE
Claimant address: [REDACTED]
Social Security Number: [REDACTED]

Appellee

Employer: The Depot Express
[REDACTED]

In regard to the appeal by SONIA MEADE:

STATUTORY REFERENCE

Iowa Code § 96.5(2)a - Discharge

ISSUES STATEMENT

Whether the claimant was discharged for disqualifying, job-related misconduct.

CASE HISTORY

The claimant, Sonia Meade, filed an appeal from a decision of a representative dated January 6, 2025, that held the claimant ineligible for unemployment insurance benefits after a separation from employment. After due notice, a telephone hearing was held on March 5, 2026. The claimant participated personally and was represented by Attorney Michael Kennedy. The employer, Scheetz Holdings, Inc., did not participate. The administrative law judge took official notice of the administrative record.

FINDINGS OF FACT

The administrative law judge, having heard the testimony and considered all the evidence in the record, finds: The claimant began working as a full-time cashier-team member for Scheetz Holdings, Inc. in February 2018. The claimant was separated from

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employment on December 15, 2025, when she was discharged.

As a cashier-team member, the claimant was responsible for operating the cash register, checking out customers, taking food orders, and helping clean the store. The employer does not have an employee handbook containing formal work rules and policies. However, the employer communicated its general expectations that employees were to perform their job duties, follow instructions, and behave professionally and respectfully towards others. The claimant was familiar with her job duties and aware of the employer's expectations.

Sometime in the summer of 2025, the claimant was observed using her cellphone while she was on-the-clock working. The claimant's supervisor issued the claimant a written warning for unauthorized use of her cellphone. After receiving the written warning, the claimant had no further instances of using her cellphone while working.

On November 11, 2025, the claimant was scheduled to work from 7:00 a.m. to 1:00 p.m. At approximately 12:30 p.m., a delivery truck arrived at the store where the claimant worked. The claimant's supervisor needed to help unload the truck, so he asked the claimant to watch the register while he and other employees unloaded the truck. The claimant agreed to do so, and she continued working at the cash register.

At approximately 1:15 p.m., the claimant became concerned that no one had arrived to relieve her from her shift. Somewhat stressed and unsure what to do, the claimant leaned forward onto the check-out counter as she tried to collect her thoughts. While leaning on the counter, the district manager entered the storefront and observed the claimant leaning on the counter. The district manager became upset, instructed the claimant to stop leaning on the counter, and told the claimant she needed to find ways to stay busy. The claimant stopped leaning on the counter, and then asked the district manager why no one had come to relieve her at the end of her shift. The district manager did not respond to the claimant's question, rather, the district manager continued to lecture the claimant about staying busy while at work.

During the interaction with the district manager, the claimant began having an anxiety attack, which caused the claimant to start hyperventilating. The claimant became unable to effectively respond to the district manager, so for a short-time, the claimant stood in front of the cash register in silence. The claimant eventually asked the district manager if she could sit down. At that point, the district manager sent the claimant to the break-room so that the claimant could sit and calm down.

A few minutes later, the claimant returned to the storefront and apologized to the district manager for having been unable to respond during their previous interaction. The district manager responded to the claimant's apology by telling the claimant that her behavior had been unprofessional. The district manager then instructed the claimant to go home. The claimant agreed to do so, clocked-out, and went home. On November 15, 2025, the employer called the claimant into a meeting and informed the claimant that her employment was being terminated effective immediately due to insubordination.

CONCLUSION OF LAW

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment for no disqualifying reason. Benefits are allowed.

Iowa Code section 96.5(2)(a) and (d) provide:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 disqualification shall continue 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.

...

d. For the purposes of this subsection, "misconduct" means a deliberate act or omission by an employee that constitutes a material breach of the duties and obligations arising out of the employee's contract of employment. Misconduct is 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. Misconduct by an individual includes but is not limited to all of the following:

...



(2) Knowing violation of a reasonable and uniformly enforced rule of an employer.

Iowa Admin. Code r. 871-24.24(3) provides:

(3) Report required. The claimant's statement and employer's statement must give detailed facts as to the specific reason for the claimant's discharge. Allegations of misconduct or dishonesty without additional evidence are not sufficient to result in disqualification. If the employer is unwilling to furnish available evidence to corroborate the allegation, misconduct cannot be established. In cases where a suspension or disciplinary layoff exists, the claimant is considered as discharged, and the issue of misconduct is resolved.

Iowa Admin. Code r. 871-24.24(7) provides:

(7) Past acts of misconduct. While past acts and warnings can be used to determine the magnitude of a current act of misconduct, a discharge for misconduct cannot be based on such past act or acts. The termination of employment must be based on a current act.

The employer has the burden of proof in establishing disqualifying job misconduct. *Cosper v. Iowa Dep't of Job Serv.*, 321 N.W.2d 6 (Iowa 1982). The issue is not whether the employer made a correct decision in separating the claimant, but whether the claimant is entitled to unemployment insurance benefits. *Infante v. Iowa Dep't of Job Serv.*, 364 N.W.2d 262 (Iowa Ct. App. 1984). What constitutes misconduct justifying termination of an employee and what misconduct warrants denial of unemployment insurance benefits are two separate decisions. *Pierce v. Iowa Dep't of Job Serv.*, 425 N.W.2d 679 (Iowa Ct. App. 1988). Misconduct serious enough to warrant discharge is not necessarily serious enough to warrant a denial of job insurance benefits. Such misconduct must be "substantial." *Newman v. Iowa Dep't of Job Serv.*, 351 N.W.2d 806 (Iowa Ct. App. 1984). The focus is on deliberate, intentional, or culpable acts by the employee.

An employee's failure to perform a specific task may not constitute misconduct if such failure is in good faith or for good cause. *See Woods v. Iowa Dept. of Job Service*, 327 N.W.2d 768, 771 (Iowa 1982). "[W]illful misconduct can be established where an employee manifests an intent to disobey the reasonable instructions of his employer." *Myers v. Iowa Dept. of Job Service*, 373 N.W.2d 507, 510 (Iowa 1983).

In insubordination cases, the reasonableness of the employer's demand in light of the circumstances must be evaluated, along with the worker's reason for non-compliance. *See Endicott v. Iowa Department of Job Service*, 367 N.W.2d 300, 303 (Iowa Ct. App. 1985). The key to such cases is not the worker's subjective point of view but "what a reasonable person would have believed under the circumstances." *Aalbers v. Iowa Dept of Job Service*, 431 N.W.2d 330, 337 (Iowa 1988). For example, in *Green v. Iowa Dept. of Job Service*, 299 N.W.2d 651 (Iowa 1980) an employee refused to sign a warning to acknowledge that she understood why she was being warned. The Court found the refusal to be disqualifying as a matter of law and did not focus on whether the warning was justified or not. *Green* at 655.

Every employer is entitled to expect civility and decency from its employees, and an employee's "use of profanity or offensive language in a confrontational, disrespectful, or name-calling context may be recognized as misconduct." *Henecke v. Iowa Dep't of Job Serv.*, 533 N.W.2d 573, 576 (Iowa App. 1995). However, the use of profanity or offensive language is not automatically disqualifying for unemployment insurance benefits purposes. The "question of whether the use of improper language in the workplace is misconduct is nearly always a fact question... [and] must be considered with other relevant factors..." *Myers v. Employment Appeal Board*, 462 N.W.2d 734, 738 (Iowa App. 1990).

In this case, the claimant acknowledges that while she was busy watching the cash register after the end of her scheduled shift, she leaned forward on the check-out counter to collect her throughs. When the district manager reprimanded the claimant for leaning on the counter, the claimant suffered an anxiety attack and fell silent for a time, before asking to leave to sit down. While the claimant's silence could possibly have been interpreted as being curt or dismissive, the claimant did not refuse to comply with a clear work-directive or order, nor did she use any offensive language in a confrontational or disrespectful manner.

An employer can discharge an employee for any reason or no reason at all, provided that reason is not illegal. However, the employer may be liable to fund the employee's unemployment insurance benefits if the employer does not establish that it discharged the employee for disqualifying, job-related misconduct. Here, the employer has not shown that the claimant committed a final willful act in deliberate disregard of its interests. An employee becoming quiet and asking to sit down while being reprimanded is not disqualifying misconduct. The employer has not met its burden of proving the claimant was discharged for disqualifying, job-related misconduct. Benefits are allowed, provided the claimant is otherwise eligible.



DECISION/REMAND

The January 6, 2026, unemployment insurance decision is REVERSED. The claimant was discharged from employment on December 15, 2025, for no disqualifying reason. The claimant is allowed benefits, provided she remains otherwise eligible.



Patrick THOMAS

Administrative Law Judge

Iowa Department of Inspections, Appeals, & Licensing

Administrative Hearings Division

Unemployment Insurance Appeals Bureau

Please see the last page of this document for important information about reopening the appeal and further appeal rights.



INSTRUCTIONS FOR FILING AN APPEAL

If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, IA 50321
Fax: (515)281-7191
Online: IowaWORKS account

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

1. A reference to the decision from which the appeal is taken.
2. That an appeal from such decision is being made and such appeal is signed.
3. The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code 17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17a.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Iowa Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while the appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.



Babel Notice – Claim and Appeal Information

Aviso: Aviso: Documento De Beneficios Del Seguro De Desempleo
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IMPORTANT!

This document contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. **DEADLINE FOR APPEAL:** If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document. **IMMEDIATELY:** If needed, call 866-239-0843 for assistance in the translation and understanding of the information in the document(s) you have received.

¡IMPORTANTE!

Este documento contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento. **PLAZO LÍMITE PARA APELAR:** Si usted está en desacuerdo con esta determinación o decisión, debe presentar una apelación antes del plazo límite indicado en este documento. **INMEDIATAMENTE:** Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al 866-239-0843.

重要提示！

这份文件包含有关失业补偿的权利、责任和/或利益的重要信息。您需要理解本文件中的信息，这一点至关重要。

上诉截止日期：如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。**立即：**如果需要，请拨打866-239-0843，可获得帮助，以利您翻译和理解所收到的文件中的信息。

IMPORTANT!

Ce document contient des informations importantes sur vos droits d'allocation de chômage, vos responsabilités et/ou vos bénéfices. Il est indispensable que vous compreniez le contenu de ce document. **DATE LIMITE POUR FAIRE APPEL:** Si vous n'êtes pas d'accord avec cette détermination ou décision, vous devrez faire un appel avant la date limite signalée dans ce document. **IMMÉDIATEMENT:** Si nécessaire, téléphonez au 866-239-0843 pour avoir de l'assistance sur la traduction et/ou la compréhension de ce document.

WICHTIG!

Diese Dokument enthält wichtige Hinweise zu ihren Rechten, Pflichten bzw. Leistungen im Rahmen der Arbeitslosenunterstützung. Es ist entscheidend, dass Sie die Informationen in diesem Dokument verstehen. **FRIST ZUR BESCHWERDEEINLEGUNG:** Wenn Sie mit der Feststellung oder Entscheidung nicht einverstanden sind, müssen Sie vor Ablauf der in diesem Dokument aufgeführten Frist eine Beschwerde einlegen. **SOFORT:** Sofern erforderlich, rufen Sie die Telefonnummer 866-239-0843 an und erkundigen sich nach Hilfsdiensten bei der Übersetzung und zum Verständnis der Informationen in dem (den) von Ihnen erhaltenen Dokument(en).

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Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

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이 문서는 실업보상 권리, 책임 및/또는 혜택에 대한 중요한 정보가 포함되어 있습니다. 이 문서에 있는 정보를 이해 하는 것은 매우 중요합니다. **항소 마감:** 이 결정에 이견이 있으시면 항소인은 문서에 언급된 마감일 전에 항소를 제기하셔야 합니다. **즉시:** 받으신 문서의 번역 및 이해를 위해서 도움이 필요하시면 866-239-0843 로연락을 하시기 바랍니다.

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Dokumenty mogą zawierać ważne informacje o Pana(-i) prawach do zasiłków dla bezrobotnych, obowiązków i/lub świadczeń. Zrozumienie informacji zawartych w niniejszym dokumencie jest bardzo ważne. **DATA WYGAŚNIĘCIA TERMINU SKŁADANIA ODWOŁAŃ:** Jeśli nie zgadza się Pan(-i) z decyzją zawartą w niniejszym dokumencie, odwołanie należy złożyć przed datą wygaśnięcia terminu wyszczególnionego w treści niniejszego dokumentu. **NATYCHMIAST:** W razie potrzeby, należy dzwonić pod 866-239-0843 w celu uzyskania pomocy w tłumaczeniu i zrozumieniu informacji w dokumentach, które Pan(i) otrzymał(-a).

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ໝາາງເຫລອ ສາ

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هام!

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