

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**ERIC T SHEAHAN
305 MINNESOTA ST
PO BOX 457
STOCKTON IA 52769**

**MEDIATECH LLC
300 E SHERIDAN
CENTERVILLE IA 52544**

**Appeal Number: 05A-UI-11419-CT
OC: 10/09/05 R: 04
Claimant: Respondent (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

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.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Mediatech filed an appeal from a representative's decision dated October 31, 2005, reference 01, which held that no disqualification would be imposed regarding Eric Sheahan's separation from employment. After due notice was issued, a hearing was held by telephone on November 23, 2005. Mr. Sheahan participated personally and offered additional testimony from Betsy Sheahan. Exhibits A, B, C, and D were admitted on his behalf. The employer participated by John White, Chief Operational Officer, and Amber White, Executive Vice President.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Sheahan was employed by Mediatech from April 4 until October 11, 2005 as a full-time multi-media programmer. He was discharged after the employer discovered that he had sent proprietary information to an e-mail site that was not connected to his employment. One of the documents he sent concerned Agile-Learn Learning Management System. Some of the material he sent disclosed confidential user names and passwords belonging to some of the employer's customers. Mr. Sheahan sent a total of 76 e-mails to the same e-mail address on October 4. The e-mail address was his personal e-mail account that can be accessed from anywhere. The matter came to the employer's attention on October 7 and Mr. Sheahan was discharged on October 11, 2005.

Mr. Sheahan has received a total of \$1,317.00 in job insurance benefits since filing his claim effective October 9, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Sheahan was separated from employment for any disqualifying reason. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Sheahan was discharged after he sent confidential company information to his personal e-mail address. By sending proprietary information over the internet, he left the employer vulnerable to theft of the information. The e-mails were not sent to a secured site. The conduct compromised the employer's proprietary interests and could have resulted in unauthorized individuals having access to the employer's customer's confidential information. Although Mr. Sheahan did not directly share the information with anyone outside of the company, his actions created the potential for others to access the information.

For the reasons stated herein, the administrative law judge concludes that Mr. Sheahan's conduct constituted a substantial disregard of the employer's interests and standards. As such, it is concluded that disqualifying misconduct has been established and benefits are denied.

Mr. Sheahan has received job insurance benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated October 31, 2005, reference 01, is hereby reversed. Mr. Sheahan was discharged for misconduct in connection with his employment. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Sheahan has been overpaid \$1,317.00 in job insurance benefits.

cfc/s