

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NOREEN K POLTON**  
Claimant

**APPEAL NO. 06A-UI-11207-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TECH TEAM GLOBAL INC**  
Employer

**OC: 10/15/06 R: 12**  
**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The claimant, Noreen Polton, filed an appeal from a decision dated November 13, 2006, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 6, 2006. The claimant participated on her own behalf. The employer, Tech Team Global, Inc., participated by Senior Human Resources Professional Paula Rorai and Program Manager Nora Varela-Binion.

**ISSUE:**

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

**FINDINGS OF FACT:**

Noreen Polton was employed by Tech Team Global from February 27 until October 19, 2006. She was a full-time support tech. Her job duties were to create access to computer accounts for employees of the customer.

Throughout the course of her employment, the claimant received several written warnings for poor work performance. She was not adequately following established security procedures in creating access to the accounts for the customer. The final written warning was on October 3, 2006, and it was the next to last level of discipline. She was advised her job was in jeopardy if there were any further problems and given additional training.

On October 12, 2006, the claimant was processing a request from the customer to set up access to one of its accounts for a particular individual. There were two people in the system with similar names and she questioned a senior support tech as to what she should do. The senior tech told her to review the instructions and to contact the person who made the request if there were any further questions so the proper person would be granted access. Ms. Polton did not do this and the result was that the wrong person was given access to the customer's account.

The employer became aware of the situation immediately and questioned the claimant on October 13, 2006. She was advised her job could be in jeopardy pending the results of the investigation. The senior tech was interviewed on Monday, October 16, 2006, and the matter then referred to the corporate headquarters. The decision was made to discharge the claimant for another incident of failing to follow instructions and jeopardizing the employer's business relationship with its customer.

#### **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 claimant had been advised her job was in jeopardy as a result of her failure to follow instructions and procedures in the performance of her job. In spite of the warnings, and additional training, she still did not follow the instructions of the senior tech in resolving the questions of which of the individuals in the system was to be granted access to the account. As a result, the wrong person was granted access and caused the customer some concerns about the unauthorized access. The employer's obligation to provide proper service to its customers was jeopardized by the claimant's poor work performance. This is conduct not in the best interests of the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of November 13, 2006, reference 01, is affirmed. Noreen Polton is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw