

SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE

Columbia, South Carolina

CONSTANCE L. WILLIAMS)
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)
)

CLAIMANT SSN: [REDACTED]

APPELLATE PANEL
DECISION

COMPASSION HEALTHCARE, INC.)
488 BROWNS COVE ROAD)
RIVERWALK BUSINESS PARK)
BUILDING A, SUITE 1)
RIDGELAND, SC 29936)

RECEIVED

MAR 28 2017

SC Court of Appeals

Appellant: Claimant

The claimant appealed Appeal Tribunal Decision 2016-A-14043 to the Appellate Panel. The Tribunal held the claimant disqualified from benefits upon finding she was discharged for misconduct. This decision affirmed the claims adjudicator's determination.

The Appellate Panel issued its decision upon review of the record on appeal.

DECISION

Appeal Tribunal Decision 2016-A-14043 is affirmed. The claimant is disqualified from benefits for two weeks, from October 9, 2016, through February 25, 2017, with a corresponding monetary reduction, upon finding she was discharged for misconduct connected with the employment.

The claimant worked from September 24, 2013, to September 26, 2016, as a caregiver. On September 2016, the claimant was caring for her client, a special needs child, while the client's family attended to appointment. The client's family was two hours late returning to the home and did not contact the claimant to advise her they would be late. The claimant acknowledges that this upset her because her husband was waiting and she had to attend to personal matters of her own. When the family returned home, the claimant confronted the client's mother, asking her why she didn't call to tell the claimant she was running late and telling her she owed the claimant two hours. The claimant then left abruptly, and maintains she left in order to not say anything further. When the claimant returned to the client's residence on Monday, September 26, 2016, she was told that her services were no longer required. The client's mother then contacted the employer and complained about the claimant's attitude and behavior preceding Friday. In a series of text messages on September 26, 2016, the claimant told the employer that she was no longer working for the client because she had said something to the mother about staying for two hours and the mother got mad. The employer did not provide the claimant with any further clients.

In the initial fact-finding process, the employer stated the claimant quit her job when she walked away from the client on September 23, 2016. In the evidentiary hearing, the company president asserted discharged the claimant, but acknowledged that no termination paperwork was completed. The claimant denies quitting her job, and also denies being discharged. She further denies having an unsatisfactory attitude on September 23, 2016, and maintains her tone with the client's mother was conversational and her behavior was professional.

S.C. Code Ann. § 41-35-120(2)(a) requires disqualification from benefits for twenty weeks, with corresponding monetary reduction, when the Department finds that a claimant has been discharged for misconduct connected with the employment. "Misconduct" includes deliberate violations or disregard of the standards of behavior which an employer has the right to expect of his employee, and carelessness or negligence of such a degree or frequency as to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer.

The testimony in this case is in direct dispute; however, the greater weight of credible evidence establishes the claimant was discharged for acting unprofessionally toward her client's family. While the employer did not issue formal discharge paperwork to the claimant, the fact she was not provided with any other client after her client filed a complaint with the employer is dispositive that her employment was terminated at that point. Although the claimant denies raising her voice or displaying an unsatisfactory exchange with the client's mother on September 23, 2016, by her own testimony she was frustrated, upset, and chided the mother for not calling the claimant to keep her apprised of the family's delay. The claimant further agrees she told the mother she owed the claimant two hours and acknowledged she abruptly left before she said anything else. Even if the claimant was upset that she had to stay an extra two hours on the day in question, this does not excuse her confrontational and improper behavior while speaking with the mother. The claimant's actions were unprofessional and disrespectful, and constitute a deliberate disregard of the standard of behavior the employer had the right to expect of her. Therefore, we find the claimant was discharged for misconduct connected with the employment. The Appeal Tribunal decision is affirmed.

**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**

E.B. Ayers, not present

Tim Dangerfield

Tim Dangerfield

Stephen S. Kelly, Jr.

Stephen S. Kelly, Jr.

Review Date : 12/28/2016