

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD



San Diego Office of Appeals
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CASE NUMBER: 10502500

HEARING(S):

10/14/2025

Employer

Employer Representative

PARTIES AND REPRESENTATIVES

SAVANNAH L TAYLOR - Claimant *Appellant*

Ricardo Soto - Claimant Representative

ZOOLOGICAL SOCIETY OF SAN - Employer

#128 EQUIFAX WORKFORCE SOLUTIONS -
Employer Representative

019 - PACIFIC CENTER - Department

DECISION

The decision in the above-captioned case appears on the following page(s).

The decision is final unless appealed within 30 calendar days from the date issued shown below. See the attached "Notice to Parties" for further information on how to file an appeal. If you are entitled to benefits and have a question regarding the payment of benefits, call the Employment Development Department at 1-800-300-5616.

Administrative Law Judge: Anna T. Amundson

Date Issued: 10/15/2025

SAVANNAH L TAYLOR
[REDACTED]

Master Case Number: 10502500
Administrative Law Judge:
Claimant/Petitioner:
Parties Appearing:

San Diego Office of Appeals
Anna T Amundson
SAVANNAH L TAYLOR
Claimant, Employer

ISSUE STATEMENT

In Subcase Number 10502500001, the claimant appealed from a determination disqualifying the claimant for unemployment benefits under Unemployment Insurance Code section 1256. A ruling held the employer's reserve account was not subject to charges under Unemployment Insurance Code sections 1030 and 1032. The issue in this case is whether the claimant was discharged for misconduct connected with the most recent work.

FINDINGS OF FACT

The claimant most recently worked as a senior line cook for approximately 4 years with a final rate of pay of \$26.86 per hour. The claimant last worked on August 15, 2025. The claimant was discharged from this employment under the following circumstances.

Beginning in approximately Mid-June 2025, the claimant and another employee, began having nonphysical altercations, which resulted in the other employee blocking claimant from her social media. The other employee filed a complaint with the employer regarding the claimant's conduct. The other employee reported to the claimant. After investigation, the employer discharged the claimant for violation of its anti-harassment and safe & respectful workplace policies. The employer's anti-harassment policy is a zero-tolerance policy. The employer determined that circumstances between the claimant and the other employee, was considered harassment and had a negative impact on the work environment.

The claimant, who considered the coworker a friend, until she was blocked from the coworker's social media, did not realize that coworker considered the claimant's actions related to an earlier incident involving a social media posting, as harassment. The claimant did not realize that this coworker felt that any of their shared comments and discussions regarding their respective religions or sexuality was harassment.

The claimant had received a written warning regarding the earlier social media posting incident. In that written warning the claimant was warned that any further violations of the employer's policies could result in termination. The social media posting at issue did not make negative comments about the employer but was

filmed while the claimant and other coworkers, including the coworker who made the complaint were at work.

REASONS FOR DECISION

An individual is disqualified for benefits if he or she has been discharged for misconduct connected with his or her most recent work. (Unemployment Insurance Code, section 1256.)

The employer's reserve account may be relieved of benefit charges if the claimant was discharged for misconduct. (Unemployment Insurance Code, sections 1030 and 1032.)

“Misconduct connected with the work” is a substantial breach by the claimant of an important duty or obligation owed the employer, willful or wanton in character, and tending to injure the employer. (Precedent Decision P-B-3, citing *Maywood Glass Co. v. Stewart* (1959) 170 Cal.App.2d 719.)

On the other hand, mere inefficiency, unsatisfactory conduct, poor performance as the result of inability or incapacity, isolated instances of ordinary negligence or inadvertence, or good faith errors in judgment or discretion are not misconduct.

The employer has the burden of proving misconduct. (Prescod v. California Unemployment Insurance Appeals Board (1976) 57 Cal.App.3d 29.)

In Subcase Number 10502500001, the employer has not met its burden of proving that the claimant was discharged for misconduct because mere inefficiency, unsatisfactory conduct, poor performance as the result of inability or incapacity, isolated instances of ordinary negligence or inadvertence, or good faith errors in judgment or discretion, such as posing inappropriately on social media, or making comments about one's shared sexuality, while albeit not necessarily appropriate at the workplace, is not misconduct. Inasmuch as the claimant thought that the coworker was a friend and did not realize her conduct was considered harassment, her actions do not demonstrate a substantial breach of an important duty or obligation owed to the employer, willful or wanton in character and tending to injure the employer.

It is therefore concluded that the claimant was discharged for reasons other than misconduct connected with her most recent work. Accordingly, the claimant is not disqualified for benefits under code section 1256 and the employer's reserve account is subject to benefit charges under code sections 1030 or 1032.

DECISION

In Subcase Number 10502500001, the department's determination and ruling are ***reversed***. The claimant IS QUALIFIED for benefits under code section 1256. Benefits are payable, provided the claimant is otherwise eligible. The employer's reserve account is subject to benefit charges under code section 1030 or 1032.