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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-823**

Nathan Stewart,
Relator,

vs.

Health Partners Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed December 29, 2009
Affirmed
Huspeni, Judge***

Department of Employment and Economic Development
File No. 21761512-3

Nathan W. Stewart (pro se relator)

Health Partners Inc., P.O. Box 1309, Minneapolis, MN 55440-1309 (respondent)

Lee B. Nelson, Department of Employment and Economic Development, 332 Minnesota Street, Suite E200, St. Paul, MN 55101-1351 (for respondent Department of Employment and Economic Development)

Considered and decided by Toussaint, Chief Judge; Halbrooks, Judge; and
Huspeni, Judge.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

HUSPENI, Judge

Relator Nathan Stewart challenges the decision of the Unemployment Law Judge (ULJ) that relator is ineligible for benefits because he was discharged for misconduct. Because relator testified that he violated his employer's confidentiality and timecard policies and violation of such policies is misconduct, we affirm.

FACTS

Relator worked as an ophthalmic technician for respondent Health Partners, Inc., which had a confidentiality policy providing that employees could "access Protected Information only to the extent necessary to perform their assigned duties" and could not "modify . . . their [own] Protected Information". The policy conforms to applicable federal rules.

Relator testified that he accessed his girlfriend's protected information on five occasions and once modified his own information. He also testified that, although he knew inaccuracies on timecards were to be reported, he did not report instances when he put down the times he was scheduled to start and leave work instead of the times he actually did start and leave.

Relator was discharged and applied for unemployment benefits. Following the initial determination that he was eligible, he received \$3,659 in benefits. Respondent challenged the determination and, after a telephone hearing, the ULJ concluded that relator was ineligible and had been overpaid \$3,659.

DECISION

“Whether [an employee’s] particular act constitutes disqualifying misconduct is a question of law, which this court reviews de novo.” *Schmidgall v. Filmtec Corp.*, 644 N.W.2d 801, 804 (Minn. 2002). “[R]efusing to abide by an employer’s reasonable policies . . . amounts to disqualifying misconduct.” *Id.*

Relator’s own testimony shows that he violated respondent’s confidentiality policy, and he does not contend that the policy is not reasonable. Relator’s violations were misconduct.

Violating an employer’s timecard policy is also misconduct. *McKee v. Cub Foods, Inc.*, 380 N.W.2d 2d 233, 236 (Minn. App. 1986). Again, relator’s testimony shows that he violated his employer’s timecard policy, thus committing misconduct.

The ULJ properly concluded that relator committed misconduct and is ineligible for unemployment benefits.

Affirmed.