

# Interfering with an internal investigation qualifies as misconduct

Employees terminated for misconduct aren't eligible for unemployment benefits. But what is misconduct?

**Recent case:** When Jeffrey's subordinate complained about inappropriate text messages a co-worker sent, Jeffrey did nothing. Then Jeffrey attended sexual harassment training and learned he should have reported the complaint. When he did, his boss criticized him for being late.

That's when Jeffrey told his subordinate to tell Jeffrey's boss that they had met with another supervisor to work it out. That supervisor, conveniently, was no longer employed.

The subordinate refused to lie and Jeffrey was fired when his supervisor learned about the incident. He applied for unemployment benefits, but the employer argued that he had been terminated for cause.

The court said interfering with an investigation by asking a witness to lie was misconduct. He did not get benefits. (*Kengerski v. UCBR*, Commonwealth Court, 2017)