

SUMMARY STATEMENT

Hennig v. IDOL
Docket No. 50457

This appeal stemmed from an Idaho Industrial Commission (“Commission”) decision that denied unemployment benefits to Thomas E. Hennig. Hennig’s employment with Money Metals Exchange, L.L.C. (“Money Metals”), was terminated after he referred to himself as his employer’s “good little Nazi” on the company’s instant message system—a comment which Hennig alleges was a joke about being strict in enforcing the company’s time clock rules. Hennig subsequently applied for unemployment insurance benefits and, after his application was denied by the Idaho Department of Labor (“Department”) and an Appeals Examiner with the Department, Hennig appealed to the Commission.

The Commission affirmed the denial of his application for benefits, finding that Hennig was ineligible because he was discharged for misconduct connected with his employment. Specifically, the Commission determined that Hennig’s communication over Money Metals’ instant messaging system “set an unacceptable example” and his “behavior fell below a standard to which [Money Metals] was entitled to expect [Hennig’s] adherence.” Hennig timely appealed the Commission’s decision to this Court.

The Idaho Supreme Court reversed the Commission’s decision and remanded for further proceedings. The Court held that the Commission erred in failing to analyze whether Money Metals’ expectations were objectively reasonable in light of Hennig’s testimony that Money Metals selectively enforced its communications policy and encouraged his irreverent humor. Consequently, the Court remanded the matter for the Commission to conduct that analysis.

******This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.******