

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**WANDA LARSON**  
Claimant

**APPEAL NO. 07A-UI-08325-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLGENCORP INC**  
Employer

**OC: 07/29/07 R: 02**  
**Claimant: Respondent (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Dolgencorp, Inc. filed an appeal from a representative's decision dated August 23, 2007, reference 01, which held that no disqualification would be imposed regarding Wanda Larson's separation from employment. After due notice was issued, a hearing was held by telephone on September 17, 2007. Ms. Larson participated personally. The employer participated by Diana Costain, Manager.

**ISSUE:**

At issue in this matter is whether Ms. Larson was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Larson was employed by Dolgencorp, Inc., doing business as Dollar General, from July 25, 2006 until July 28, 2007. She worked from 20 to 30 hours each week as a sales associate. She was discharged because of cash variances in her register.

Each sales associate is responsible for his or her own drawer and is not to allow others to ring transactions on the register assigned to them. There was one occasion on which Ms. Larson was \$8.00 short at the end of her shift because a customer had written a check for \$8.00 less than the register total. There were two occasions on which she had more money at the end of her shift than reflected in the register totals. She received written warnings each time there was a variance. The final incident occurred on July 27 when she had approximately \$9.90 more than she should have. As a result of the three cash variances, Ms. Larson was discharged on July 28, 2007. The above matter was the sole reason for the separation.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had

the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Ms. Larson was discharged as a result of three cash variances in her register. The administrative law judge does not believe she deliberately or intentionally caused her register to be off. At least one of the incidents was caused by her negligence in failing to make sure the customer wrote the check for the correct amount. The administrative law judge presumes that the two remaining incidents were caused by Ms. Larson's negligence in failing to give customers correct change.

Negligence constitutes disqualifying misconduct if it is so recurrent as to manifest a substantial disregard for the employer's standards or interests. The employer was unable to provide the dates of the variances other than the one of July 27, 2007. Ms. Larson was in the employment for one year. The administrative law judge does not consider three incidents of negligence over a one-year period to be so recurrent as to establish disqualifying misconduct. While the employer may have had good cause to discharge, conduct that might warrant a discharge from employment will not necessarily support a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa 1983). For the reasons cited herein, the administrative law judge concludes that the employer has failed to establish misconduct, as that term is defined by law. Accordingly, benefits are allowed.

**DECISION:**

The representative's decision dated August 23, 2007, reference 01, is hereby affirmed. Ms. Larson was discharged by Dollar General but misconduct has not been established. Benefits are allowed, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs