

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TINA M COLEMAN
Claimant

APPEAL NO. 07A-UI-05234-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SYSTEMS UNLIMITED INC
Employer

**OC: 04/22/07 R: 03
Claimant: Appellant (1)**

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 9, 2007, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on June 7, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Kari Wilken participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The employer is an agency that provides services to developmental disabled individuals. The claimant worked full time for the employer as a senior counselor from May 19, 1998, to April 23, 2007. The claimant was informed and understood that they were permitted to assist clients in spending down liquid assets to avoid being determined ineligible for Supplementary Security Income (SSI) by the Social Security Administration. Employees were required to follow rules put in place by the employer to make sure the client money could be accounted for by the employer.

In January 2007, the claimant made a determination that a client would possibly have too much money in his bank account. Approximately \$1,000.00 of the money was transferred from the client's bank account and put into the client's petty cash. Part of the money was spent and there were receipts to support the purchases, but about \$500.00 was left over because the client had no immediate need for anything. The claimant put the money in a baggie and hid it in various locations in the client's residence to make sure it was not stolen. This placed the money outside the employer's financial accounting procedures. The cash on hand would also still be considered an asset that if discovered could have caused the client to become ineligible for SSI.

On April 23, 2007, after an audit disclosed that part of the client's money could not be accounted for through receipts, the claimant was questioned about it by management. She represented that she would bring in the rest of the receipts. That day, the claimant went out with the client

and spent the rest of the money and then brought back the receipts from the purchases that day.

On April 24, 2007, the employer discharged the claimant for mishandling the client's money in violation of the employer's financial accounting procedures.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

The claimant's conduct was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case. The claimant claimed that her supervisor knew what she was doing, but the evidence does not support such a finding.

DECISION:

The unemployment insurance decision dated May 9, 2007, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs