

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TEKIKA L HIGH-MCGEE
Claimant

APPEAL NO. 14A-UI-10743-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CROWN VENTURES IOWA INC
Employer

OC: 09/21/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 13, 2014, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 4, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Cindy Slininger participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer from December 2012 to September 23, 2014. She was a full-time shift manager when her employment ended. Chris Garrison was the restaurant manager and Cindy Slininger was the district manager.

On September 22, 2014 Slininger asked Garrison why the claimant had overtime. Garrison discovered that someone had made time corrections in the payroll system to additional time to the claimant's hours of work. Slininger told Garrison that she was going to come in the next day to review video to find out when the claimant was punching in and out, and to see who was making the time corrections.

Slininger came into the restaurant on September 23, 2014 to check into the time changes. Shortly before noon, the claimant came into the restaurant and started complaining to Garrison about her schedule. Garrison told the claimant that she was busy with lunch and the claimant would have to wait to talk to her. The claimant initially said she would wait, but later insisted in a loud voice that Garrison talk to her. At that point, the claimant went back to the area where Slininger was reviewing videos of the claimant. She went back up front. When the claimant would not follow Garrison's instruction to leave, Garrison reported this to Slininger. Slininger then went up front and talked to the claimant. When the claimant asked why her face was on the screen in the office, Slininger told her that she was looking over videos of time corrections that were done. Slininger said she would get back to the claimant about this later. The claimant raised her voice and said she wanted to know about it right away. Slininger then told the claimant to leave the restaurant or Slininger would call the police. The claimant left.

Slininger determined that the claimant had made time corrections to improperly add time to her time card. She called the claimant and told her to come in the next morning to discuss the videos. The claimant came into the restaurant on the morning of September 24 and tried to give Garrison her keys. Slininger was at the restaurant waiting for the claimant with pictures showing when the claimant reported to work and when she corrected her time. Garrison explained to Slininger that the claimant was trying to hand her the keys. Slininger asked the claimant if she wanted to talk about the time corrections and showed her the pictures. The claimant responded that Slininger did not understand and handed Slininger the keys and left. Slininger intended to discharge the claimant if the claimant could not explain what she had done with the time entries but the claimant left before they discussed the matter.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. The claimant asserted that Slininger discharged her when she told her to leave the restaurant or she would call the police. The evidence is clear that Slininger did not discharge the claimant at that time. Telling the claimant who was not working to leave the restaurant is not a discharge.

I conclude that whether the separation from employment on September 24 is treated as a discharge, because Slininger planned to discharge the claimant when she met with her on September 24, or it is treated as a quit because the claimant left before she was officially informed of her discharge, the claimant is disqualified.

The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

Adding additional time to your time card that you did not work is a falsification and constitutes work-connected misconduct.

If the separation is treated as voluntary quit, the claimant's quitting was not cause by the employer. The claimant left employment before she was informed that she was discharged.

DECISION:

The unemployment insurance decision dated October 13, 2014, 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

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