

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAURENCE M COMBS**  
Claimant

**APPEAL NO. 07A-UI-04150-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADECCO USA INC**  
Employer

**OC: 03/11/07 R: 04  
Claimant: Respondent (2)**

Section 96.5(2)a – Discharge for Misconduct  
Section 96.3(7) – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Adecco USA, Inc. (Adecco) filed an appeal from a representative's decision dated April 13, 2007, reference 01, which held that no disqualification would be imposed regarding Laurence Combs' separation from employment. After due notice was issued, a hearing was held by telephone on May 9, 2007. Mr. Combs participated personally. The employer participated by Janelle Case, Account Manager. The employer was represented by Jacqueline Jones of TALX Corporation. The hearing was recessed because Mr. Combs had not received the employer's exhibits.

The hearing reconvened on July 13, 2007. Mr. Combs participated personally. The employer participated by Julie Sager, Operations Supervisor, and was again represented by Ms. Jones. Exhibits One, Two, and Three were admitted on the employer's behalf.

**ISSUE:**

At issue in this matter is whether Mr. Combs 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: Mr. Combs was employed by Adecco, a temporary placement firm, from April 26, 2005 until February 27, 2007. He was at all times assigned to work for Climax. He was discharged because of irregularities with his time records.

Employees at Mr. Combs' worksite were required to sign their in and out times at the guard's shack. Mr. Combs entered his start time for February 19 but scratched out the area under his ending time. He signed in at 7:00 a.m. on February 26. He indicated he left for the day at 5:30 p.m. However, he was observed leaving work at 3:30 p.m. As a result of falsifying his time records, he was released from Climax on February 27, 2007. Adecco did not offer him other work.

Mr. Combs filed a claim for job insurance benefits effective March 11, 2007. He has received a total of \$5,678.00 in benefits since filing his claim.

**REASONING AND CONCLUSIONS OF LAW:**

When he filed his claim for benefits effective March 11, 2007, Mr. Combs was unemployed because he had been discharged. 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). Mr. Combs was discharged for falsifying his time records for February 26, 2007. He indicated he worked two hours more than he actually worked. Although there is no departure time noted for February 19, the administrative law judge cannot conclude that Mr. Combs falsified his records for that date. The failure to note any time is not the same as giving a false time.

Mr. Combs' conduct on February 26 constituted theft as it meant receiving pay for time not actually worked. He knew or should have known that he was to record his time accurately. A two-hour disparity is not an inadvertent error. Mr. Combs' conduct in providing false information on this timecard constituted a substantial disregard of the standards the employer had the right to expect. It is concluded, therefore, that disqualifying misconduct has been established. Accordingly, benefits are denied.

Mr. Combs has received benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

**DECISION:**

The representative's decision dated April 13, 2007, reference 01, is hereby reversed. Mr. Combs was discharged for misconduct in connection with his employment. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Combs has been overpaid \$5,678.00 in job insurance benefits.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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