

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

HIROKO DICKERSON  
5036 – 68<sup>TH</sup> ST  
URBANDALE IA 50322-6930

WELLS FARGO BANK  
C/O TALX EMPLOYER SERVICES  
PO BOX 1160  
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-01813-CT  
OC: 01/15/06 R: 02  
Claimant: Respondent (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Wells Fargo Bank filed an appeal from a representative's decision dated February 3, 2006, reference 01, which held that no disqualification would be imposed regarding Hiroko Dickerson's separation from employment. After due notice was issued, a hearing was held by telephone on March 2, 2006. Ms. Dickerson participated personally. The employer participated by Rosemary Hullett, Manager.

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. Dickerson was employed by Wells Fargo Bank

from September 21, 2004, until January 13, 2006. She was last employed full time as lead teller. She was discharged for violation of the employer's code of ethics.

On July 28, 2005, customer "A" presented Ms. Dickerson with a withdrawal slip to remove funds from a joint account shared with customer "B." The withdrawal slip contained the account number for the joint account. Customer "B" had closed the joint account the day prior and opened new checking and savings accounts with a third party. Ms. Dickerson accessed customer "B's" new account information, wrote the account numbers on her business card, and gave the card to customer "A." Customer "A" was not authorized to have access to customer "B's" new accounts. In addition to giving customer "A" the account numbers, Ms. Dickerson also gave her \$175.00 from customer "B's" account. Using the account numbers provided by Ms. Dickerson, customer "A" withdrew \$2,600.00 from one of customer "B's" account on September 27, 2005. Customer "B" was in contact with the bank in November concerning the withdrawals and apparently a police investigation ensued.

On or about January 4, 2006, customer "A" was arrested for making the unauthorized withdrawals. She gave the police Ms. Dickerson's business card on which she had written the account numbers belonging to customer "B." Wells Fargo Bank was contacted, and this was the first the employer knew that Ms. Dickerson might have some involvement. The employer began an investigation, which included looking at exemplars of Ms. Dickerson's handwriting to confirm that she was the individual who had written on the business card given to customer "A." The investigation also revealed that Ms. Dickerson had accessed customer "B's" account on four occasions on July 28. As a result of the findings from the investigation, Ms. Dickerson was discharged on January 13, 2006, for providing confidential information to an individual who had no right to the information.

Ms. Dickerson has received a total of \$2,569.00 in job insurance benefits since filing her claim effective January 15, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Dickerson was separated from employment for any disqualifying reason. 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. Dickerson was discharged on January 13, 2006, for conduct that occurred on July 28, 2005. Although the conduct was not a current act in relation to the discharge date, the employer did not learn of the matter until approximately January 4, 2006. The employer did not learn of the incident until customer "A" was arrested and disclosed that Ms. Dickerson had given her the account numbers belonging to customer "B." The employer's delay in discharging Ms. Dickerson was due to the fact that an investigation was being conducted to confirm the information provided by customer "A." Inasmuch as the employer acted with due diligence once the information came to light, the administrative law judge concludes that the conduct complained of did represent a current act as required by 871 IAC 24.32(8).

Ms. Dickerson disclosed confidential account information to customer "A" when that customer had no right to the information. Ms. Dickerson knew that the joint account to which customer "A" had been a party had been closed when customer "A" attempted to make a withdrawal on July 28. Since customer "A" was not a party to the accounts customer "B" set up after closing their joint account, Ms. Dickerson had no legitimate reason for disclosing the information. Not

only did she facilitate customer "A's" unauthorized removal of funds that did not belong to her, she also damaged the bank's reputation. Customers rely on a bank's ability to maintain the confidentiality and security of their accounts. Ms. Dickerson's conduct in giving information to unauthorized individuals had the potential of undermining customer confidence in the bank. Her conduct constituted a substantial disregard for the standards the employer had the right to expect. For the reasons stated herein, the administrative law judge concludes that disqualifying misconduct has been established by the evidence. Accordingly, benefits are denied.

Ms. Dickerson has received benefits since filing her 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 February 3, 2006, reference 01, is hereby reversed. Ms. Dickerson was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Dickerson has been overpaid \$2,569.00 in job insurance benefits.

cfc/kjw