

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACKIE A SHORT
Claimant

APPEAL NO. 10A-UI-02142-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING CO
Employer

OC: 01/17/10
Claimant: Appellant (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Jackie Short filed an appeal from a representative's decision dated February 4, 2010, reference 01, which denied benefits based on her separation from Casey's Marketing Company. After due notice was issued, a hearing was held by telephone on March 24, 2010. Ms. Short participated personally. The employer participated by Sherry Decker, Area Supervisor. Exhibits 1 through 14 were admitted on the employer's behalf.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Short was employed by Casey's from January 4, 2005 until January 19, 2010. She was last employed full time as store manager, a position she assumed in March of 2005. She was discharged for falsifying her time and attendance records. All employees, including managers, are expected to clock in and out for their shifts. As manager, Ms. Short had the authority to enter the system and edit an employee's time records, including her own.

On or about January 11, 2010, the employer discovered that Ms. Short was editing, or instructing another to edit, her time records to reflect that she was working more hours than she actually worked. She reported working 9.48 hours on December 29 when she actually worked less than 5 hours. She reported 9.67 hours for December 24 when she worked less than 3 hours. She reported 9.47 hours on December 23 when she only worked slightly over 8 hours. She reported 9.67 hours for December 21 but only worked 9 hours. The employer was able to determine the number of hours worked by reviewing the store's surveillance tapes. As a salaried manager, Ms. Short was only paid for a set number of hours regardless of the number of hours she entered as work hours.

Because of the discrepancies in Ms. Short's time records, she was discharged on January 19, 2010. In making the decision to discharge, the employer also considered the fact that she left the store before the end of her shift on the dates listed above without notifying her supervisor as required. She had been warned about such conduct on May 27, 2008.

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). Part of the reason for Ms. Short's discharge was the fact that she falsified her time records for at least four dates. This conduct, standing alone, is sufficient to establish disqualifying misconduct. The falsification did not result in additional pay for Ms. Short because she was salaried. However, it did allow her to hide the fact that she was not working her scheduled hours and that she was out of the store without supervisory authority.

Ms. Short's conduct constituted dishonesty, which is clearly contrary to the type of behavior an employer has the right to expect, especially from a manager. She was expected to set the standard for those working under her by following the employer's policies and procedures. Ms. Short deliberately and intentionally acted in a manner she knew or should have known was contrary to the employer's standards and interests. For the reasons cited herein, it is concluded that disqualifying misconduct has been established. As such, benefits are denied.

DECISION:

The representative's decision dated February 4, 2010, reference 01, is hereby affirmed. Ms. Short was discharged by Casey's for misconduct in connection with her employment. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css