

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COURTNEY D PILCHER
Claimant

APPEAL NO. 13A-UI-02494-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GIT-N-GO CONVENIENCE STORES INC
Employer

OC: 01/27/13
Claimant: Appellant (1)

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The claimant, Courtney Pilcher, filed an appeal from a decision dated February 21, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 28, 2013. The claimant participated on her own behalf and was represented by Harley Erbe. The employer, Git-N-Go, participated by Supervisors Melissa Shinn and John Judge. Exhibit One admitted into the record.

ISSUE:

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

FINDINGS OF FACT:

Courtney Pilcher was employed by Git-N-Go from November 15, 2011 until January 18, 2013 as a full-time assistant manager. The entire staff of the store had been given a warning about poor cash handling procedures.

On January 11, 2013, the claimant was doing the daily audit report for the previous day. She had worked the first shift from 5:00 a.m. until 3:00 p.m. The second shift from 3:00 p.m. until midnight was worked by Josh. Her initial count showed her shift being short. She discovered the \$50.00 when she did the second shift audit and added it into that cash total. After thinking about it she altered the audit report and added the \$50.00 back into her shift total and deducted it from Josh's. The audit report was "scribbled on" where she marked out the original totals and several dollar amounts were simply written over.

Ms. Pilcher was sent to a meeting on January 18, 2013, with Supervisors Melissa Shinn and John Judge. At that meeting she admitted she had put down incorrect information on the audit report then altered it when she decided to credit the \$50.00 back onto her shift. She said she did it because "Josh was already short." At the end of the meeting she was notified she was discharged.

REASONING AND CONCLUSIONS OF 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 was the first assistant manager in charge of the store. It was her responsibility to perform her job duties carefully and accurately. The condition of the audit report is anything but careful and accurate. She credited funds to the wrong shift, knowing that was inaccurate, and then simply crossed out or wrote over numbers later when she decided to deduct the funds from second shift and add it back to first shift. This is falsification of the company documents. It is also negligence and exceedingly unprofessional conduct. This is a violation of the duties and responsibilities the employer has the right to expect of an employee and the claimant is disqualified.

DECISION:

The representative's decision of February 21, 2013, reference 01, is affirmed. Courtney Pilcher is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/tll