

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER E DAVIS**  
Claimant

**APPEAL NO. 07A-UI-01740-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US BANK NATIONAL ASSOCIATION**  
Employer

**OC: 01/14/07 R: 01  
Claimant: Respondent (2)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

US Bank National Association filed an appeal from a representative's decision dated February 6, 2007, reference 01, which held that no disqualification would be imposed regarding Jennifer Davis' separation from employment. After due notice was issued, a hearing was held by telephone on March 6, 2007. The employer participated by Molly Brinker, Human Resources Generalist. Exhibits One and Two were admitted on the employer's behalf. Ms. Davis did not respond to the notice of hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Davis was employed by US Bank from December 3 until December 15, 2006, as a full-time teller. She was discharged for providing false information on the application for hire.

One of the questions asked on the application was whether the applicant had ever been convicted of a crime involving dishonesty. One of the examples given on the application was theft. Ms. Davis checked the "no" box in reference to the question. The application also asked if there were any charges pending for crimes involving dishonesty and Ms. Davis checked "no." Another question was whether the applicant had ever been convicted of any other felony in the past ten years and she checked "no." On December 15, the employer learned that Ms. Davis did, in fact, have a criminal conviction. She was asked to provide paperwork concerning the disposition of the charges, which she did. The information Ms. Davis provided indicated she had been charged with theft in the fourth degree in the Pottawattamie County District Court on March 3, 2006. The paperwork further indicated that she had entered a plea of guilty to an amended charge of theft in the fifth degree on May 10, 2006. The application for employment with US Bank was completed on August 17, 2006.

US Bank is prohibited from employing individuals who have been convicted of theft. The rules of the Federal Deposit Insurance Corporation (FDIC) provide for fines if a bank employs an individual who has been convicted of theft. Because she provided false information on the application, Ms. Davis was discharged on December 15, 2006. The above matter was the sole reason for the discharge.

**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). Ms. Davis was discharged for giving false information on her application for employment with US Bank. Since she had entered a plea of guilty to theft charges on May 10, 2006, the administrative law judge is not inclined to believe she would have forgotten the charges when she completed the application on August 17, 2006. Therefore, the administrative law judge concludes that her false response was intentional.

Providing false information on the application for hire constitutes misconduct if the falsification could have resulted in exposing the employer to legal liabilities or penalties. 871 IAC 24.32(6). Ms. Davis' deliberately false statement could have exposed the employer to penalties from the FDIC since the employer is prohibited from employing individuals with theft convictions. For the reasons cited herein, the administrative law judge concludes that disqualifying misconduct has been established. Accordingly, benefits are denied. No overpayment results from this reversal of the prior allowance as Ms. Davis has not been paid benefits on her claim filed effective January 14, 2007.

**DECISION:**

The representative's decision dated February 6, 2007, reference 01, is hereby reversed. Ms. Davis 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.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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