

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BONNIE J BLUME
Claimant

APPEAL NO. 10A-UI-08101-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US BANK NATIONAL ASSOCIATION
Employer

OC: 05/09/10
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

Bonnie J. Blume filed a timely appeal from an unemployment insurance decision dated May 27, 2010, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held July 22, 2010 with Ms. Blume participating and being represented by Paul Jahnke. Retail Branch Manager Peggy Ingram participated for the employer, US Bank National Association.

ISSUE:

Was the claimant discharged for misconduct in connection with her employment?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Bonnie J. Blume was employed by US Bank National Association from July 8, 2002 until she was discharged May 6, 2010. She last worked as a teller. Ms. Blume had authority to cash checks of up to \$5,000.00 without management's prior approval. On May 6, 2010 Ms. Blume cashed a \$20,000.00 check for an elderly customer without first obtaining management approval. Ms. Blume's direct supervisor and the branch manager were both out of the facility at the time. Other members of management were present but were on the phone. She did not attempt to get the attention of the managers who were present. Ms. Blume had also received a warning in January for failing to secure her cash drawer.

In the past year one other teller had been disciplined for cashing a check in excess of her limit. That teller was not discharged because she had received no prior discipline.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant was discharged for misconduct in connection with her employment. It does.

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 characterized the final incident as an isolated instance of poor judgment. From the evidence in the record, however, it does not appear that this was a judgment call. The claimant was to first obtain management approval for cashing checks of more than \$5,000.00. The claimant also argued that others who had committed the same infraction were not discharged. The employer's witness explained that the other teller had had no prior discipline. The administrative law judge concludes that the final incident of a knowing violation of policy following a warning in January is sufficient to establish misconduct. Benefits are withheld.

DECISION:

The unemployment insurance decision dated May 27, 2010, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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