

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN R ANDERSON
Claimant

APPEAL NO. 07A-UI-01290-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARY GREELEY MEDICAL CENTER
Employer

OC: 01-07-07 R: 02
Claimant: Appellant (1)

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Dawn Anderson filed an appeal from a representative's decision dated January 26, 2007, reference 01, which denied benefits based upon her separation from Mary Greeley Medical Center. After due notice was issued, a telephone conference hearing was scheduled for and held on February 20, 2007. The claimant participated. The employer participated by Betsy Scholler and Patricia Novacek. Claimant's Exhibit A and Employer's Exhibits One through Eight were received into evidence.

ISSUE:

At issue in this matter is whether Ms. Anderson was discharged from her employment for misconduct in connection with her work.

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. Anderson was employed by Mary Greeley Medical Center from March 6, 1995 until January 9, 2007 when she was discharged from employment. The claimant most recently held the position of office assistant on a full-time basis and was paid by the hour.

The claimant was discharged when a random review of Cronis timekeeping records showed four time entry changes had been made by the claimant without the required "yellow slip" time adjustment explanation slips being completed by the claimant. The employer considered this action to be suspect because one of the claimant's duties was that of a Cronis editor which required the claimant to monitor Cronis entries and changes of other employees at the location where she was assigned. It was also noted that the claimant had used the Cronis system to change leaving and returning hours for lunch on four occasions. It is the usual practice of employees who have made an error in reporting in or out or forgetting to utilize the system to clock in and out, to use only the required time adjustment slip to correct the error. This provides the employer an opportunity to review the basis for changes that are requested by employees. The procedure utilized by the claimant altered the computerized recordkeeping so as to make it appear that no violations had occurred. Without the time adjustment slip that the hospital

required, the employer would not have the opportunity to review changes or the reasons for them unless a random monitoring disclosed the changes. Because truthfulness and veracity was considered to be necessary in the medical setting, the employer considered the breaches to be serious and a decision was made to terminate the claimant.

When the discrepancies were first noted the claimant was asked to provide an explanation. Ms. Anderson at that time (January 2, 2007) supplied only retroactive time adjustment slips and verbally indicated that she had “forgot” to complete the required slips on the four separate occasions that she had altered her reported working hours.

It is the claimant’s contention that she did not falsify working hours but she made the changes to reflect hours that were actually worked and that she had “forgotten” to fill out the mandatory time adjustment slips on four occasions. Ms. Anderson believes that the investigation and her subsequent discharge were for other reasons related to what she considers to be age discrimination and the reluctance of the employer to grant Family Medical Leave.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge, having reviewed the evidence in this matter, concludes that the employer has sustained its burden of proof in establishing that the claimant violated mandatory time keeping procedures and that the claimant’s conduct showed a disregard for the medical center’s interests and standards of behavior that they had a right to expect of their employees under the provisions of the Iowa Employment Security Law. In this case the evidence establishes that Ms. Anderson was aware that mandatory time adjustment slips were required to be completed for any employee that wished to make an adjustment on the hospital’s Cronis recordkeeping system. In the position of Cronis editor, a part of Ms. Anderson’s job was to review time changes that had been requested by other employees. During the approximate month preceding the claimant’s discharge, it appears that all other employees at the facility had followed the correct procedure by completing time adjustment slips to reflect the basis for any change in the Cronis timekeeping system. Although the claimant knew and enforced the employer’s expectations with respect to this system for other employees, failed to follow the requirements herself on four separate occasions. It is also noteworthy that the normal procedure utilized by other employees was to complete a time adjustment slip to reflect the changes that they desired in the Cronis system, while the claimant instead made the changes on the Cronis system herself without providing any documentation to support the reason for change or that the change had been made.

Although the administrative law judge is aware that Ms. Anderson feels that her discharge was based upon other reasons, the administrative law judge must hold based upon the evidence in the record that the employer has established its burden of proof in showing disqualifying misconduct in connection with the work. The claimant’s repeated manipulation of the computerized timekeeping without providing the required supporting documentation resulted in the claimant’s discharge under disqualifying conditions. Benefits must be denied.

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.

For the reasons stated herein, the administrative law judge concludes that misconduct has been established.

DECISION:

A representative's decision dated January 26, 2007, reference 01, is hereby affirmed. Ms. Anderson was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked and has been paid wages for insured work equal to ten times her weekly job insurance benefit amount, providing she satisfies all other conditions of eligibility.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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