

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BETSIE S LARSON**  
Claimant

**APPEAL NO. 12A-UI-10182-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS**  
Employer

**OC: 07/22/12**  
**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The claimant, Betsie Larson, filed an appeal from a decision dated August 16, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 18, 2012. The claimant participated on her own behalf. The employer, Tyson, participated by Assistant Human Resources Manager Teri Wray.

**ISSUE:**

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

**FINDINGS OF FACT:**

Betsie Larson was employed by Tyson from August 30, 1990 until July 23, 2012 as a full-time production worker. On July 21, 2012, the claimant was pulled over by officers of the Waterloo Police Department for driving without a valid license. A search of her car revealed a tenderloin roast and a boneless pork loin in the trunk. The police notified Human Resources Manager Jim Hook.

Mr. Hook met with Ms. Larson on Monday, July 23, 2012. She admitted to taking the meat because she was “desperate” due to her paycheck being less than usual and she “needed to feed [her] kids.” Ms. Larson did not make any attempt to purchase the meat before taking it out of the facility or even ask if there was any way she could take the meat first and pay the employer back through payroll deductions. She was discharged by Mr. Hook for theft.

**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 fired because she took product from the company without paying for it. This is theft. The employer has the right to expect honesty and ethical behavior from its employees. The claimant is guilty of misconduct and she is disqualified.

**DECISION:**

The representative's decision of August 16, 2012, reference 01, is affirmed. Betsie Larson is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw