

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**ROBIN L GOLDEN  
7005 PRAIRIE AVE  
URBANDALE IA 50322**

**CENTRAL IOWA HOSPITAL CORP  
ATTN HUMAN RESOURCES  
1313 HIGH ST STE 111  
DES MOINES IA 50309-3119**

**Appeal Number: 05A-UI-07237-CT  
OC: 06/12/05 R: 02  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Robin Golden filed an appeal from a representative's decision dated July 12, 2005, reference 02, which denied benefits based on her separation from Central Iowa Hospital Corporation. After due notice was issued, a hearing was held by telephone on August 2, 2005. Ms. Golden participated personally and Exhibits A, B, and C were admitted on her behalf. The employer participated by Megan Grismore, Human Resources Business Partner. Exhibits One and Two were admitted on the employer's behalf.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: On October 29, 2001, Ms. Golden began working for Iowa Health Physicians. In September of 2004, she began working for Central Iowa Hospital Corporation. The two businesses are part of a network but are separate employing units. If an employee of one unit moves to work in another, they are credited with seniority from the first unit. The various units have other cooperative operations but are otherwise separate businesses. Ms. Golden was employed full time as a financial counselor. She was discharged for forging a signature.

With her employment with Iowa Health Physicians, Ms. Golden participated in a 401k program. On or about June 17, 2004, she made application for a disbursement from the plan. Fidelity Investments (Fidelity) returned the application with a letter advising that the authorized signature of her employer was necessary to complete the transaction. Ms. Golden contacted Fidelity because her employer's signature had not been required in the past. Fidelity advised her that she needed to have Emily Porter sign the application. Rather than have Ms. Porter sign the document, Ms. Golden signed it herself. She printed Emily Porter's name below the area where one is directed to print the name of the individual signing the form. Ms. Golden also entered the date next to the signature. She returned the form to Fidelity and the disbursement was completed. The account was closed in October of 2004 when Ms. Golden changed employers. Central Iowa Hospital Corporation has its 401k plan with a company other than Fidelity.

On or about June 10, 2005, Central Iowa Hospital Corporation was notified that an audit had revealed that Emily Porter's signature on Ms. Golden June, 2004, request for disbursement had been forged. Ms. Porter was actually on maternity leave when the document was returned to Fidelity with what purported to be her signature. Ms. Golden was suspended on June 11 pending an investigation and further determination. She was discharged on June 17, 2005. Her forgery was the sole reason for the discharge.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Golden was separated from employment for any disqualifying reason. 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. Golden was discharged for forging the signature on a form to withdraw funds from her 401k program. The administrative law judge is satisfied that she did, in fact, forge Emily Porter's signature. Her contention that she merely drew a squiggly line through the signature area is not well taken. It is true that the signature cannot be clearly read as "Emily Porter." It is written in such a way as to provide plausible deniability if it were questioned. However, Ms. Golden wrote out Emily Porter's name directly below where the signature of the person signing the form is to be written. Since Ms. Porter was not signing the form, one would have to question why Ms. Golden wrote out her name. Furthermore, she dated the signature. If there was no signature, just a squiggly line, one would have to question why Ms. Golden dated it.

The administrative law judge is satisfied that Ms. Golden signed the form in such a way as to mislead Fidelity into believing that her employer had authorized her withdrawal. She is guilty of the forgery alleged by the employer. However, that does not end the inquiry. There is an issue

of whether the conduct was in connection with her employment as is required for a misconduct disqualification. Central Iowa Hospital Corporation and Iowa Health Physicians are two separate employers. Although they have joint and cooperative efforts in some areas, the fact remains that the two are separate and independent business entities. Ms. Golden's forgery was in connection with her employment with Iowa Health Physicians. Inasmuch as there was no misconduct in connection with her employment with Central Iowa Hospital Corporation, no disqualification may be imposed.

While the employer may have had good cause to discharge Ms. Golden because of issues relating to her integrity, conduct which might warrant a discharge from employment will not necessarily sustain a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa App. 1983). Because her misconduct was not in connection with the employment from which she was discharged, no disqualification imposed.

DECISION:

The representative's decision dated July 12, 2005, reference 02, is hereby reversed. Ms. Golden was discharged for misconduct but the misconduct was not in connection with her employment with Central Iowa Hospital Corporation. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/sc