

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STACY L HORVATH
Claimant

APPEAL NO. 12A-UI-09940-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US BANK NATIONAL ASSOCIATION
Employer

OC: 07/15/12
Claimant: Appellant (1)

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The claimant, Stacy Horvath, filed an appeal from a decision dated August 8, 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 10, 2012. The claimant participated on her own behalf. The employer, US Bank National Association (USBNA), participated by Human Resources Generalist Jen Schwindenhammer.

ISSUE:

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

FINDINGS OF FACT:

Stacy Horvath was employed by USBNA from May 9, 2011 until July 19, 2012 as a full-time commercial bank client representative. At the time of hire, she received the employee handbook, which includes the employee code of ethics. Under this code, employees are forbidden to process or approve any transactions on their own personal accounts, the accounts of immediate family members, accounts to which they may have a personal financial interest or of which they are an authorized signor. "Immediate family" includes spouse, children, parents, and siblings.

The policy states any violation of the code of ethics is subject to disciplinary action up to and including discharge. It is the practice of the employer to discharge employees who violate this particular part of the code of ethics.

On July 16, 2012, Human Resources Generalist Jen Schwindenhammer received notice from the part of the company which audits the accounts of employees. It was reported Ms. Horvath had made transactions on her husband's account. A review of her computer records showed the transactions

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 knew certain transactions were prohibited, but apparently did not read the policy carefully to know exactly which ones. The specific prohibitions are set out very clearly. She did not question her manager to find out if what she proposed to do was acceptable but went ahead and made several transactions between May and July 2012, which were in direct violation of a company rule. This is a violation of the duties and responsibilities the employer has the right to expect of an employee and conduct not in the best interests of the employer. The claimant is disqualified.

DECISION:

The representative's decision of August 8, 2012, reference 01, is affirmed. Stacy Horvath is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw