

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHANIE STRANDBERG
Claimant

APPEAL NO. 13A-UI-13404-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK
Employer

**OC: 11/03/13
Claimant: Appellant (1)**

Section 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The claimant, Stephanie Strandberg, filed an appeal from a decision dated November 26, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 30, 2013. The claimant participated on her own behalf. The employer, Wells Fargo, participated by Collections Supervisors Jenni Overton and Shane Smith and was represented by Barnett Associates in the person of Francis Landolphi.

ISSUE:

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

FINDINGS OF FACT:

Stephanie Strandberg was employed by Wells Fargo from August 2, 2006 until November 7, 2013 as a full-time hourly collector. Time records are kept by each employee manually entering their arrival and departure times on a computer. Another computer system is geared to the employee identification badges each employee must use to enter and leave the building.

Collections Supervisor Jenni Overton was advised to check the time records of another employee whose records seemed questionable. In the process Ms. Strandberg's records were also examined. A comparison was made between the in and out times recorded in the badge system and the times records by the claimant on her time sheet showed multiple discrepancies. She would often record she came in earlier than the badge system showed she arrived in the building.

She was interviewed about this situation by Ms. Overton and another collections supervisor, Shane Smith on November 1, 2013. Mr. Smith said discharging her was "not the goal" but she needed to be honest. Ms. Strandberg admitted she had manipulated the time system to show she had arrived earlier than she actually had. She was afraid of losing her job because she had medical problems which made her "make bad choices." At no point had she made these medical problems known to her supervisors nor did she talk to human resources. When her

supervisors advised her to apply for family medical leave she did so but that was after the investigation had been started.

The results of the investigation were referred to the corporate human resources. The decision was made to discharge based on her acknowledgement of manipulating the time system and falsifying her time records.

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 deliberately falsified her time records. As an hourly employee she was paid according to the records and this resulted in her being paid more than the amount to which she was entitled. Whatever medical problem she may have had does not constitute good cause for dishonesty. The employer has the right to expect honesty from its employees and the claimant did not provide it. 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 unemployment insurance decision dated November 26, 2013, reference 01. is affirmed. Stephanie Strandberg 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/pjs