

**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**

**ROBERT J TAYLOR  
618 – 45<sup>TH</sup> ST  
ROCK ISLAND IL 61201-2127**

**ALTORFER INC  
2600 – 6<sup>TH</sup> ST SW  
PO BOX 1347  
CEDAR RAPIDS IA 52406-1347**

**Appeal Number: 06A-UI-05975-CT  
OC: 05/14/06 R: 04  
Claimant: Appellant (1)**

**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:

Robert Taylor filed an appeal from a representative's decision dated June 2, 2006, reference 01, which denied benefits based on his separation from Altorfer, Inc. After due notice was issued, a hearing was held by telephone on June 27, 2006. Mr. Taylor participated personally. The employer participated by Dale Gimm, Transport/Safety Coordinator; Erik Driessen, Human Resources Manager; George Harl, Field Technician; Joe Fischer, Vice President/General Manager; and Linda Rose, General Field Service Manager. The hearing was recessed to obtain a doctor's statement. The hearing reconvened on July 19, 2006 after due notice was issued. The same parties again participated for the employer. Mr. Taylor was not available at either of the two telephone numbers provided. Exhibit A was admitted on his behalf. Exhibits One through Five were admitted on the employer's behalf.

#### 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: Mr. Taylor was employed by Altorfer, Inc. from June 6, 2005 until May 8, 2006 as a full-time field technician. He was discharged for falsifying his time card.

On May 3, Mr. Taylor and another individual were assigned to work at Nichols Aluminum. At approximately 1:30 p.m. that day, Mr. Taylor was observed at a convenience store located approximately 15 miles away from the work site but approximately two blocks from his home. He had not notified the employer that he intended to leave work early. Mr. Taylor has his eye pressure checked monthly due to glaucoma. He was told he needed to notify Linda Rose in advance when he was scheduled for such appointments. At approximately 2:30 p.m. on May 3, Mr. Taylor's coworker at Nichols Aluminum called the employer to report that he and Mr. Taylor were leaving for the day.

When Mr. Taylor submitted his time card, he indicated he had left at 2:30 p.m. on May 3. The time card is to be completed in such a way as to designate what time was devoted to which work orders. Mr. Taylor would usually take notes as to the amount of time spent on a work order and then transfer the information to his time card. When questioned about his time card for May 3, he indicated he had messed up and accidentally wrote the incorrect ending time. He did not tell the employer he left early due to a doctor's appointment. As a result of the time card falsification, Mr. Taylor was discharged on May 8, 2006.

The hearing record was left open to receive a document from the doctor seen by Mr. Taylor on May 3. He testified that he had a 2:15 p.m. appointment to have his eye pressure checked on May 3. A statement from Dr. Anis Ahmad indicated that Mr. Taylor was seen on May 3, 2006 for a pressure check. The employer looked Dr. Ahmad up in the telephone directory and found that his specialty was listed as internal medicine.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Taylor 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). Mr. Taylor was discharged for giving false information on his time card. Although he indicated it was an inadvertence, the administrative law judge was not persuaded.

Mr. Taylor had not notified anyone beforehand that he had a doctor's appointment on May 3. Nor did he offer a medical appointment as the reason for leaving early when confronted by the employer. He testified that the appointment on May 3 was to have his eye pressure checked. However, the statement received as Exhibit A was from a doctor specializing in internal medicine. Mr. Taylor did not participate in the hearing held on July 19 to indicate why his eye pressure was being checked by an internist rather than an ophthalmologist or optometrist. The administrative law judge has also considered the fact that Mr. Taylor's coworker called the employer at the usual quitting time to indicate that both he and Mr. Taylor were leaving at that time. If Mr. Taylor had left early for a legitimate reason, there would seemingly be no reason for his coworker to give false information regarding his departure time. For the above reasons, the

administrative law judge concludes that Mr. Taylor's testimony regarding a medical appointment on May 3 is not credible.

Given Mr. Taylor's lack of credibility, the administrative law judge is not inclined to view the time card falsification as an accident. It appears that he gave false information on the time card so the employer would not learn of his early departure. The fact that his coworker misrepresented Mr. Taylor's departure time is indicative of an intent to hide the early departure from the employer. If Mr. Taylor had established a legitimate reason for leaving early and had notified the employer of the intent to leave early, the administrative law judge would be inclined to view the time card discrepancy as an isolated inadvertence since he did not have a history of such conduct.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that the employer has satisfied its burden of proving that Mr. Taylor was discharged for misconduct. His deliberate and intentional falsification of his time card constituted a substantial disregard of the standards the employer had the right to expect. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated June 2, 2006, reference 01, is hereby affirmed. Mr. Taylor was discharged for misconduct in connection with his employment. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/pjs