

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LISA J HARNEY**  
Claimant

**APPEAL NO: 14A-UI-12717-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMERICAN FAMILY MUTUAL INS CO**  
Employer

**OC: 11/02/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 4, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated at the January 26, 2015 hearing with her witness, Brooke Otto. Thomas Kuiper represented the employer. Amy Albaugh, an agency sales manager, appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in January 2011. She worked full time as an agency sales management assistant. The employer's Standard of Conduct policy informs employees that if they falsify company records, they may be discharged. The employer requires employees to annually review the code of conduct policy. (Employer Exhibit One.) Employees are not supposed to use the employer's company credit card for personal use.

On October 14, 2014, the claimant submitted an expense report. The claimant cut out a personal item, a salad for \$4.19, she had bought on the employer's credit card. She taped the receipt and submitted the altered receipt with her expense report. The receipt she attached to the expense report had been cut so her salad did not show up as an item charged. When the salad was deleted, the total amount charged remained the same. As a result of the altered receipt, there was a discrepancy between the total amount charged and the total of the items listed that had been charged. Albaugh returned the claimant's expense report to the claimant on October 29, 2014. The claimant told Albaugh she had sent money to the employer's Payment Center for the \$4.19.

On the expense report form there is an area where employees can report the amount that should be charged to the employee and not the employer. The claimant did not complete the form correctly. (Employer Exhibit Two.) When Albaugh checked the Payment Center, they had not received the claimant's payment. The claimant sent the Payment Center a money order for \$4.19. The Payment Center received the money order on November 3. On November 6, the claimant gave the employer the original receipt that showed she had charged a salad on the employer's credit card.

On November 6, 2014, the employer discharged the claimant for falsifying a company record, the expense report. The employer concluded the claimant violated the employer's conduct of standards policy when she submitted an altered receipt.

### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code 96.5(2)a. The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. An intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The facts indicate the claimant intentionally deleted her personal salad when she submitted her expense report. Even though the claimant asserted she sent \$4.19 to the Payment Center on October 14, the Payment Center did not receive this money. During her testimony, the claimant made comments that Albaugh did not usually check the items on a receipt to make sure they totaled the amount charged. Based on this testimony, the administrative law judge cannot conclude the claimant sent the Payment Center \$4.19 before October 29, 2014. While the amount of money is minimal, the claimant falsified a business record when she doctored the receipt and cut out the \$4.19 that she charged for a salad. The claimant's failure to provide an unaltered receipt with the expense report amounts to work-connected misconduct. As of November 2, 2014, she is not qualified to receive benefits.

### **DECISION:**

The representative's December 4, 2014 determination (reference 01) is affirmed. The employer discharged the claimant because she violated the employer's rules of conduct by intentionally altering a receipt she submitted with an expense report. This amounts to work-connected

misconduct. As of November 2, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs