

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE L WILSON
Claimant

APPEAL NO. 11A-UI-05419-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHENKER LOGISTICS INC
Employer

OC: 03/20/11
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 11, 2011, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on May 11, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. David Williams participated in the hearing on behalf of the employer with a witness, Nicki Brick. Exhibits One through Five were admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a staffing and benefits coordinator from December 21, 2009, to March 21, 2011. She was informed and understood that under the employer's work rules, knowingly punching the time card of another employee or falsifying time records was grounds for immediate termination of employment. Nicki Brick, human resources director, was the claimant's supervisor.

On March 18, a coworker called Brick and asked if the employees wanted her to pick up breakfast on her way to work. Brick asked the other employees in department and gave the coworker the food order. Later the coworker called to say that the drive-through was busy and she was going to be late.

Before the coworker arrived for work, the claimant accessed the time system, and as a favor to the coworker, punched her in at her start time of 8:00 a.m. When the coworker came in at 8:14 a.m., the claimant told the coworker she had already punched her in at 8:00 a.m.

The claimant did not think there was anything wrong with punching the coworker in because employees were allowed to leave work to pick up food before without punching out and there were occasions when Brick had approved employees going out for lunch on work time. The

claimant, however, did not notify or get permission from a supervisor before punching in for the coworker.

Later, that day when Brick audited the coworker's time card, she discovered the claimant had punched in for the coworker.

The employer discharged the claimant on March 21, 2011, for knowingly punching the time card of another employee and falsifying time records. The claimant had no prior discipline.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant knowingly punched the time card of another employee in violation of a known work rule. The claimant was presumptuous in thinking that she could clock in for a coworker, making the coworker's start time inaccurate. The coworker did not ask her to, and she could have created problems for the coworker if the employer suspected she had up the claimant up to it. If the coworker was concerned about her time, it was the coworker's business to resolve. Work-connected misconduct has been shown in this case.

DECISION:

The unemployment insurance decision dated April 11, 2011, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css