

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERI L MILLER
Claimant

APPEAL NO: 08A-UI-03928-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

K MART CORPORATION
Employer

**OC: 03/02/08 R: 03
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Teri Miller (claimant) appealed a representative's April 23, 2008 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she was discharged from work with K Mart Corporation (employer) for conduct not in the best interests of the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 7, 2008. The claimant participated personally.

ISSUE:

The issue is whether the claimant was discharged for misconduct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 21, 1980, as a full-time department lead. The claimant acknowledged receipt of the employer's Code of Conduct.

On February 21, 2008, the employer impressed on employees that they needed to provide more credit card applications for approval. The claimant and a co-worker decided to complete credit card applications for another person without informing that person. The claimant completed an application as if she was her former husband. She signed his name and submitted the application. The employer discovered the application on or about February 22, 2008. It referred

the matter to the corporate office. The corporate office investigated and asked the employer to obtain a statement from the claimant. On March 4, 2008, the claimant signed a statement admitting she falsified a credit card application. The employer terminated the claimant on March 5, 2008. The co-worker was also terminated.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was discharged for misconduct.

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The employer has the burden of proof in establishing disqualifying job misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). As persuasive authority, the falsification of an activity log book constitutes job misconduct. Smith v. Sorensen, 222 Nebraska 599, 386 N.W.2d 5 (1986). The claimant clearly disregarded the standards of behavior which an employer has a right to expect of its employees. The claimant's actions were volitional. She intentionally completed the falsified credit card application for her own purposes. When a claimant intentionally disregards the standards of behavior that the employer has a right to expect of its employees, the claimant's actions are misconduct. The claimant was discharged for misconduct.

DECISION:

The representative's April 23, 2008 decision (reference 02) is affirmed. The claimant is not eligible to receive unemployment insurance benefits because the claimant was discharged from work for misconduct. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

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