

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARIA A BENDER**

Claimant

**APPEAL NO. 10A-UI-12492-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOOD SAMARITAN SOCIETY INC**

Employer

**OC: 09-20-09**

**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the September 2, 2010, reference 06, decision that denied benefits. After due notice was issued, a hearing was held on October 27, 2010. The claimant did participate. The employer did participate through Cheryl Williams, Human Resources Associate. Employer's Exhibit One was entered and received into the record.

**ISSUE:**

Was the claimant discharged due to job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a certified nurse's aide, full-time, beginning December 22, 2009, through August 10, 2010, when she was discharged. The claimant was to be to work on August 9 at 6:00 a.m. She arrived at 6:50 a.m. Surveillance tapes indicate that the claimant did not attempt to punch in her time card into the time card machine. The machine was working at the time. The claimant wrote on the clipboard next to the time clock that she had arrived at work at 6:00 a.m. At the time she wrote that information, it was 6:50 a.m. The claimant provided false information on her time card. The claimant was late to work and admitted she was late to work and knew she was late when she filled out the clipboard with the false start time. Her writing 6:00 a.m. as her start time when she knew she was late to work is falsification of a time record and, according to the employer's handbook, is an offense for which an employee can be terminated on the first occurrence.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

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 provided false information about her arrival time at work on the timekeeping records. Her failure to even attempt to punch in demonstrates an attempt to subvert the automated time keeping system in conjunction with her admitted late arrival, and her entry of false information on to the clipboard is falsification of an employer's record. Falsification of a time card amounts to theft of time from the employer and is sufficient misconduct to disqualify the claimant from unemployment insurance benefits. Benefits are denied.

**DECISION:**

The September 2, 2010 (reference 06) decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/kjw