

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

ELIZABETH B HOLDORF  
PO BOX 22  
DIXON IA 52745

KWIK SHOP INC  
c/o EMPLOYERS UNITY INC  
PO BOX 749000  
ARVADA CO 80006-9000

Appeal Number: 05A-UI-06399-CT  
OC: 05/22/05 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:

Elizabeth Holdorf filed an appeal from a representative's decision dated June 10, 2005, reference 01, which denied benefits based on her separation from Kwik Shop, Inc. After due notice was issued, a hearing was held by telephone on July 7, 2005. Ms. Holdorf participated personally. The employer participated by Diane Pethoud and Kai Brown, Managers. The employer was represented by Carolyn Sullivan of Employers Unity.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Holdorf was employed by Kwik Shop, Inc. from

October 20, 2004 until May 20, 2005. She was hired as a manager trainee and was last employed full time as an assistant manager trainee. She was discharged for violating the employer's cash-handling policy. Employees are not to have more than \$75.00 in the register during the hours of 6:00 a.m. until 11:00 p.m. They are not to have more than \$35.00 in the register from 11:00 p.m. until 6:00 a.m. An individual is subject to discharge if they have more than \$230.00 in the register. Excess cash is to be dropped in the safe either as individual bills or in an envelope. The safe is directly below the register. Bills in denominations of \$20.00 or more are not to be put in the register but are to be dropped in the safe immediately after the transaction. The employer's policy is designed to limit the amount of cash that could be taken during a robbery.

On May 19, an audit was conducted on the registers in Ms. Holdorf's store. She had a total of \$449.00 in her drawer, \$280.00 of which was in \$20.00 bills. As a result, she was discharged. The individual working with her that day had \$100.00 in his register. Because he did not have more than \$230.00 in his register, he was only given a written warning. When Kai Brown arrived to perform the audit, Ms. Holdorf's coworker was outside performing duties. She had not asked him to wait on customers while she dropped excess cash in the safe. The employer expects excess cash to be dropped even if customers are present. The employer believes this alerts the public to the fact that excess cash is dropped in the safe and not kept in the registers. The employer believes this discourages would-be robbers.

The above matter was the sole reason for Ms. Holdorf's May 20, 2005 discharge. The only reason she gave the employer for her conduct was the fact that the store was busy.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Holdorf 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). Ms. Holdorf was discharged because she had excess cash in her register in violation of a known rule. She acknowledged that she knew she was to drop \$20.00 bills immediately after the transaction but still had 14 (fourteen) \$20.00 bills in her register on May 19. Moreover, they were in an area of the till that contains a reminder to employees that \$20.00 bills are not to be in the register. She had almost twice as much cash in her register as the amount required to result in discharge. She had six times as much cash as allowed by the employer's policies.

By having an excessive amount of cash in her register, Ms. Holdorf increased the amount the employer could lose through robbery. As a manager trainee, she would be held to a higher standard of care in handling the employer's funds. If she had only dropped the \$20.00 bills as required, her register would not have been at the level that results in discharge. Ms. Holdorf's failure to drop her excess cash constituted a substantial disregard of the employer's interests. The fact that she was busy was not justification for her failure as she could have asked her coworker to assist her in waiting on customers so she could make drops if she felt she could not do the drops in the presence of customers.

For the reasons stated herein, the administrative law judge concludes that disqualifying misconduct has been established by the evidence. Accordingly, benefits are denied.

DECISION:

The representative's decision dated June 10, 2005, reference 01, is hereby affirmed. Ms. Holdorf was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/pjs