

BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319

ERIK S HANSEN

Claimant

and

OSCEOLA FOOD LLC

Employer

HEARING NUMBER: 17BUI-08000

EMPLOYMENT APPEAL BOARD
DECISION

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A, 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Employment Appeal Board would correct the administrative law judge's Findings of Fact in the first two paragraphs as shown in *italics*:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a production worker in the curing department beginning on April 4, 2011 through June 29, 2017 when he was discharged. The claimant was discharged for falsifying a company document. As part of his duties for at least the last year *of* his employment, the claimant was required to perform checks for foreign material in the machine four times per shift. The check list is designed to help employees remember to perform all checks. The claimant would perform the check then fill out the check list to indicate whether the machine was acceptable and whether any foreign material was found. The claimant had been given the company handbook and policies that put him on notice that even one instance of falsifying company documents would lead to his discharge.

The employer takes the issue of foreign material in the products they produce very seriously as even **one** instance could have serious financial repercussions for the company and all of its employees. The employer's task force for preventing foreign material in the product meets weekly. On June 27 they performed a spot check throughout the plant to insure that employees were actually making the required checks. Mr. Gerling and another quality control employee went to the claimant's work area shortly after 9:00 a.m. The claimant was away from **his** machine on break. His check list indicated that he had performed all of the required checks before he went on break at 8:44 a.m. The checklist is found at page three of Employer's Exhibit 1 and shows the claimant wrote "AC" for acceptable on the bone eliminator box. Between the time the claimant allegedly made the check at 8:44 a.m. and the time Mr. Gerling arrived for the spot check, the machine had not been run. When the claimant returned from break, Mr. Gerling asked him if **he** had made the required check and the claimant indicated he had done so. Mr. Gerling then had the claimant actually demonstrate and redo the check so he and the other employee could observe what he did. As the claimant began to redo the check, Mr. Gerling was immediately suspicious as the housing was full of meat. The housing should not have been full of meat if the claimant had actually run the check. When **the** bone eliminator was opened it was found to be so full of bone pieces that a pry bar had to be used to pull them all out. The claimant had indicated that no foreign material was found when he had done the check only a short time prior to that. The claimant then told Mr. Gerling that he had forgotten to check the bone eliminator. On that day and at hearing the claimant could not offer any explanation why he had checked acceptable and written that no foreign material was found when he completed the checklist. The claimant falsified a company document when he indicated he had made the required check when he had not...

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AMG/fnv