

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAR ALIENE DE KOTER**  
Claimant

**APPEAL NO: 12A-UI-14962-DW**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS DEVELOPMENT**  
Employer

**OC: 10/28/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 5, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant requested an in-person hearing. The first hearing was scheduled on January 23. The claimant had a conflict. She requested and was granted a postponement. The next hearing was scheduled on February 18, 2013. The claimant did not appear for the hearing. Kyle Bloom and Carrie Wilde appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked about six months for the employer. She worked full time as a job placement manager. Part of the claimant's job required her to provide Medicaid services to clients.

During her employment, Wilde discovered the claimant was not completing or did not complete accurately time logs, time sheets or Medicaid documentation. After the employer learned the claimant did not like or found the employer's time log and time sheet forms confusing, the employer allowed the claimant to create her own forms. Even after creating her own forms, the claimant did not complete her time logs or time sheets accurately. In early or mid-September, Wilde again talked to the claimant and told her she had to complete and turn in time sheets, time logs and Medicaid documentation.

When Wilde noticed problems with the claimant's documentation for October 8 through 20, Wilde talked to the human resource director. Since the claimant's time sheets and time logs did not correspond and she did not complete accurately Medicaid documentation for clients, the human resource director advised Wilde to discharge the claimant. The human resource director made this conclusion because the claimant had already been warned and she still repeatedly

failed to accurately report services she provided for Medicaid. The claimant's failure to accurately document Medicaid services could amount to Medicaid fraud. During the week of October 28, the employer informed the claimant she was discharged for repeatedly submitting inaccurate time sheets and for failing to accurately document Medicaid services she provided to clients.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. An intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant knew or should have known her job was in jeopardy if she did not accurately report time she worked on her time sheets and time logs and did not accurately document Medicaid services she provided. When the claimant repeatedly submitted time sheets and time logs that were different and failed to accurately document Medicaid services she provided, the employer discharged her. The claimant did not participate in the hearing, so it is not known why she repeatedly failed to submit accurate documentation. Since the employer warned her about the necessity of submitting timely and accurate documentation – time sheets, times logs and Medicaid documentation – her repeated failure to do so constitutes work-connected misconduct. As of October 28, 2012, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's December 5, 2012 determination (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of October 28, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs