

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JACQUELYN C WICKS**  
Claimant

**APPEAL NO. 14A-UI-04692-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CHECK INTO CASH OF IOWA INC**  
Employer

**OC: 04/13/14**  
**Claimant: Respondent (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated April 30, 2014, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on May 22, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Stuart Larimer participated in the hearing on behalf of the employer with a witness, Cathy Bormann.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked as a customer service representative for the employer from August 5, 2013, to April 10, 2014. She was informed and understood that under the employer's work rules, employees were required to safeguard company funds.

In March 2014, a person came into the employer's office to cash a property assistance check issued by the state of Iowa. The person who came in to cash the check was the mother of the person who the check had been issued to and the daughter's name appeared on the check. The employer's policy requires employees to check the person's photo identification to make sure the person cashing the check is the owner of the check. The claimant looked at the check and the mother's photo identification but neglected to notice the first names were different and allowed the mother to cash the \$1,000 check. The mother in fact stole the check from her daughter. The claimant did not deliberately fail to check the names on the identification and check.

On March 24, 2014, the daughter complained about the fact that her check had been cashed. The police were contacted, and the claimant was able to identify the mother as the person who had cashed the check in a photo line up.

The employer discharged the claimant solely for cashing the check for the mother without adequately looking at the name on the identification and check.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Iowa Code § 96.6-2; *Cosper v. Iowa Department of Job Service*, 321 N.W.2d 6, 11 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to substantial and willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. *Lee v. Employment Appeal Board*, 616 N.W.2d 661, 665 (Iowa 2000).

The case law indicates that a single act of negligence is insufficient to demonstrate "repeated negligence of such a degree of recurrence" that it equals willful misconduct in culpability. *Henry v. Iowa Department of Job Service*, 391 N.W.2d 731 (Iowa App. 1986). *But see Greene v. Employment Appeal Board*, 426 N.W.2d 659, 661 (Iowa App. 1988) (assistant restaurant manager committed disqualifying misconduct through repeated "unintentionally careless demeanor" after being warned about such conduct).

In this case, the claimant's conduct was an isolated instance of negligence and does not rise to the level of disqualifying misconduct under the law.

**DECISION:**

The unemployment insurance decision dated April 30, 2014, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs