

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

TIMOTHY A ISAACSON  
2224 – 240<sup>TH</sup> ST  
FORT DODGE IA 50501

WELLS FARGO BANK  
C/O TALX EMPLOYER SERVICES  
PO BOX 1160  
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-00665-CT  
OC: 12/18/05 R: 01  
Claimant: Respondent (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:

Wells Fargo Bank filed an appeal from a representative's decision dated January 10, 2006, reference 01, which held that no disqualification would be imposed regarding Timothy Isaacson's separation from employment. After due notice was issued, a hearing was held by telephone on February 2, 2006. Mr. Isaacson participated personally and Exhibit A was admitted on his behalf. The employer participated by Laura Schiek, Collections Supervisor. Exhibits One, Two, and Three were admitted on the employer's behalf.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Isaacson was employed by Wells Fargo Bank from October 19, 2004 until December 20, 2005 as a full-time collector. On December 6, 2005, he was attempting to make payment arrangements with a customer. The customer refused to state a date on which she would make payment or the amount of such payment. On December 19, the employer discovered that Mr. Isaacson had noted in the records that the customer intended to make a \$139.00 payment on December 30, 2005. His conduct was considered falsification of company records and, therefore, he was discharged on December 20.

Mr. Isaacson did not have a history of falsifying company documents or of making incorrect entries to customer accounts. The above incident was the sole reason for the discharge.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Isaacson 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). Mr. Isaacson was discharged for providing false information on company documents. He had no recollection of making the entry that is at issue. He had been performing the job of collector for over one year. During that time, there had been no accusations of him providing false information regarding his collection activities. Given this history, the administrative law judge is inclined to believe the incident was the product of an inadvertence rather than a deliberate intent to mislead the employer. Mr. Isaacson may have innocently made the notation to the wrong account.

The employer's evidence failed to establish that Mr. Isaacson willfully and wantonly disregarded the employer's interests or standards. While the employer may have had good cause to discharge, conduct that might warrant a discharge from employment will not necessarily support a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa 1983). For the reasons stated herein, benefits are allowed.

#### DECISION:

The representative's decision dated January 10, 2006, reference 01, is hereby affirmed. Mr. Isaacson was discharged by Wells Fargo Bank but disqualifying misconduct has not been established. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjf