

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSE M CHAVEZ**

Claimant

**APPEAL NO. 13A-UI-11914-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**

Employer

**OC: 09/01/13**

**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated October 4, 2013, reference 01, that concluded he was discharged for work-connected misconduct. A telephone hearing was held on November 14, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Eloisa Baumgartner participated in the hearing on behalf of the employer with witnesses, Tim Crooks and Alberto Olguin.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked full time for the employer from September 22, 1992, to August 27, 2013. He was working as a food safety quality assurance technician.

On August 27, 2013, the claimant was assigned to do quality audits in a certain area from 2 p.m. to 3 p.m. The claimant was working in a different area and did not complete the required quality audits. Instead of going to a supervisor to explain where he was and what happened, he falsified his quality audit records by reporting that he had conducted seven quality audits.

The claimant's supervisor discovered the false records. He was suspended on August 27. During the investigation, the claimant admitted that he had falsified the audit records. He was discharged for this conduct on August 29, 2013.

**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 claimant's violation of a known work rule against falsification of records was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

**DECISION:**

The unemployment insurance decision dated October 4, 2013, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs