

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JESSICA L HAHN**  
Claimant

**APPEAL NO. 11A-UI-11151-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US BANK NATIONAL ASSOCIATION**  
Employer

**OC: 07/10/11**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

Jessica L. Hahn filed a timely appeal from an unemployment insurance decision dated August 10, 2011, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held September 15, 2011 with Ms. Hahn participating. Sales and Service Manager Jane Morris and Branch Manager Sue Eastin participated for the employer, US Bank National Association.

**ISSUE:**

Was the claimant discharged for misconduct in connection with the employment?

**FINDINGS OF FACT:**

Jessica L. Hahn was employed as a teller by US Bank National Association from August 2010 until July 12, 2011. Ms. Hahn worked in a detached drive-up building. Company policy requires that the building be opened dually rather than by a single individual. On July 12, 2011, Ms. Hahn opened the drive-up building by herself. Realizing this was wrong, she asked a co-worker to state falsely that the co-worker had observed Ms. Hahn doing this. The co-worker reported the incident to sales manager Jane Morris. Ms. Morris discharged Ms. Hahn after confirming what had happened.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant was discharged for misconduct in connection with the employment. It does.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

The claimant acknowledged opening the building alone and asking the co-worker to state falsely that the co-worker had observed her. The act of attempting to enlist the co-worker persuades the administrative law judge that Ms. Hahn knew that what she was doing was wrong. While the claimant testified that the rule was not enforced when auditors were not present, she provided no detail of specific incidents. Both employer witnesses denied that the rule was selectively enforced. The administrative law judge concludes that the evidence is sufficient to establish misconduct. Benefits are withheld.

**DECISION:**

The unemployment insurance decision dated August 10, 2011, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

pjs/pjs