

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELINDA A KINNAMAN**  
Claimant

**APPEAL NO. 09A-UI-14674-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**  
Employer

**Original Claim: 08/23/09  
Claimant: Appellant (1)**

Section 96.5-2- a- Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a representative's September 22, 2009 decision (reference 01) that concluded she was not qualified to receive benefits, and the employer's account was not subject to charge because the claimant had been discharged for disqualifying reasons. A telephone hearing was held on November 13, 2009. The claimant participated in the hearing. Corey Heaton, the store manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant started working for the employer on July 8, 1980. Until May 11, 2009, the claimant worked as a manager. In early May, after the employer questioned the claimant and informally put her on corrective action, she decided to step down and work as a personal banker instead of working as a manager. Heaton supervised the claimant. On August 13, 2009, the employer gave the claimant a written corrective action for performance issues.

On August 21, the claimant worked with a customer who wanted to open up a new account. After talking to the customer for quite a while, the claimant did not believe the employer would open an account for her because of her poor credit history. At this point, the claimant knew the customer did not have two valid forms of government-issued identifications that the employer required to open an account. The driver's license the customer showed the claimant was expired. The claimant decided to use the expired driver's license (not a valid form of identification) and inputted information into the employer's computer system so she could review the customer's credit history. Although the customer indicated she would go get a valid driver's license, the claimant decided she did not want to waste the customer's time by having her obtain a valid driver's license and then come back to the bank to be told she could not open an account. Much to the claimant's surprise, the customer was eligible to open an account under the employer's Opportunity Checking program. At this point, the claimant had opened an account for the customer even though the customer did not have two valid forms of identification.

The claimant was then interrupted and asked to make some copies for another customer. After the claimant made the copies, she forgot that she had not obtained two valid forms of identification from the customer. After the customer left, the claimant knew her job was in jeopardy for failing to obtain two valid

forms of identification from her. Before the claimant left work on August 21, she informed Heaton what she had done.

That evening from her home, the claimant sent Heaton an email about the incident that day. In the email the claimant acknowledged that using the expired driver's license was dumb when the customer indicated she would go and get a new driver's license before the claimant started processing her claim.

On Monday, August 24, the employer discharged the claimant for violating the employer's policy and falsifying information by indicating the customer had two valid government-issued forms of identification before the claimant started processing a new account.

#### **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. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is 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 are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant knew or should have known her job was in jeopardy after she received a written corrective action plan a week before the August 21 incident. The claimant acknowledged she knew and understood the employer's policy that a customer had to have two valid forms of identification before an account could be opened. While the claimant's motive to violate the employer's policy because she incorrectly concluded the employer would not allow the customer to open an account may have saved the customer time and embarrassment if she was found ineligible to open an account, the claimant still violated the employer's policy. The claimant intentionally decided to ignore or bypass the employer's policy to start an account for the customer. Under the facts of this case, the claimant committed work-connected misconduct by intentionally and substantially disregarding the employer's policy in favor of saving a potential customer some time when she knew her job was in jeopardy. Based on the facts in this case, the claimant is not qualified to receive benefits.

#### **DECISION:**

The representative's September 22, 2009 decision (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 August 23, 2009. 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.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/kjw