

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE L BICKFORD
Claimant

APPEAL NO. 10A-UI-02170-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REGIS CORP
Employer

OC: 01/10/10
Claimant: Respondent (2)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Regis Corporation filed an appeal from a representative's decision dated February 2, 2010, reference 01, which held that no disqualification would be imposed regarding Michelle Bickford's separation from employment. After due notice was issued, a hearing was held by telephone on March 29, 2010. The employer participated by Shawn Fredericks, Area Supervisor, and was represented by John O'Fallon of Barnett Associates. Exhibits One through Ten were admitted on the employer's behalf. Ms. Bickford did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Bickford was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Bickford was employed by Regis from January 1, 2008 until November 2, 2009 as a full-time hair stylist. She was discharged for theft.

On November 2, Ms. Bickford did hair coloring for two customers. The customer for ticket 9925 was charged \$68.85 and the customer for ticket 9926 was charged \$95.37. A total of \$200.00 was tendered to pay for both tickets and \$35.78 given in change. Ms. Bickford later voided both original tickets and re-rang them for \$24.95. This represented a difference of \$139.27 between what the customer had originally paid and what was shown as sales after the tickets were voided. Ms. Bickford was given credit for a cash overage in the system which reduced the total loss to the employer to \$116.15. She gave Regis Corporation written permission to take the \$116.15 from her pay. As a result of her actions, Ms. Bickford was discharged on November 2, 2009. The above matter was the sole reason for the separation.

REASONING AND CONCLUSIONS OF LAW:

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). Ms. Bickford was discharged for theft. She accomplished the theft by voiding out original tickets and re-ringing services for a lesser amount. Her actions resulted in a \$116.15 loss to the employer. Theft is clearly contrary to the type of behavior an employer has the right to expect. For the above reasons, it is concluded that substantial misconduct has been established and benefits are denied.

No overpayment results from this reversal of the prior allowance as Ms. Bickford has not been paid benefits on her claim filed effective January 10, 2010.

DECISION:

The representative's decision dated February 2, 2010, reference 01, is hereby reversed. Ms. Bickford was discharged by Regis Corporation for misconduct in connection with her employment. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css