

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

SCOTT A ROENFELDT  
7450 NEW LIBERTY RD  
WALCOTT IA 52773-9771

WELLS FARGO BANK  
C/O TALX EMPLOYER SERVICES  
PO BOX 160  
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-07248-DWT  
OC: 06/18/06 R: 04  
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

STATEMENT OF THE CASE:

Wells Fargo Bank (employer) appealed a representative's July 10, 2006 decision (reference 01) that concluded Scott A. Roenfeldt (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 14, 2006. The claimant initially appeared for the hearing. Before any testimony was presented, the claimant decided he would not participate in hearing. Kim Seebeck, a regional property manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, 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 13, 1992. Prior to his employment separation the claimant worked as a full-time property manager II. Seebeck had been the claimant's supervisor for ten years.

Every year the employer has employees review the employer's code of ethics. This policy informs employees they cannot accept gifts that have more than a \$100.00 value.

In late May 2006, the employer received a complaint that the claimant received a gift of materials that exceeded more than \$100.00. The employer does not know when the claimant received this gift, but does not believe it occurred recently. The employer talked to the claimant on June 9 about this reported gift. The claimant acknowledged he had previously received material from an individual that he was never billed for. The employer concluded that when this incident occurred the claimant did not realize he was violating the employer's code of ethics. On June 9, when the employer talked to the claimant about the incident, the claimant acknowledged this incident would violate the employer's code of ethics. On June 17, 2006, the employer discharged the claimant for violating the employer's code of ethics policy.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges him for reasons constituting work-connected misconduct. Iowa Code section 96.5-2-a. The employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. Lee v. Employment Appeal Board, 616 N.W.2d 661, 665 (Iowa 2000).

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 employer established compelling business reasons for discharging the claimant after learning he violated the employer's code of ethics. The facts do not, however, establish that the claimant intentionally or knowingly violated the employer's policy. Even though the employer reviewed the policy with the claimant every year, the employer acknowledged that the claimant did not realize he violated the policy until the employer talked to him on June 9, 2006. Under

these facts, the claimant did not commit work-connected misconduct. Therefore, as of June 18, 2006, the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's July 10, 2006 decision (reference 01) is affirmed. The employer discharged the claimant for compelling business reasons that do not constitute work-connected misconduct. As of June 18, 2006, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/pjs