

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHAWN M OHLMEIER**  
Claimant

**APPEAL NO. 08A-UI-06450-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FARMLAND FOODS INC**  
Employer

**OC: 06/08/08 R: 01  
Claimant: Appellant (1)**

Section 96.5-2-a - Discharge

**STATEMENT OF THE CASE:**

Shawn M. Ohlmeier (claimant) appealed a representative's July 8, 2008 decision (reference 01) that concluded he was not qualified to receive benefits, and the account of Farmland Foods, Inc. (employer) would not be charged because the claimant had been discharged for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 29, 2008. The claimant participated in the hearing. Mary Spreng, a human resource clerk, appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered. Since the claimant had not received the documents, the hearing remained open so the claimant had an opportunity to review the documents and make objections. On August 4, 2008, the claimant contacted the Appeals Section and indicated he had received the documents and had no objections to the admission of Employer Exhibits One and Two as evidence. As of August 4, 2008, these documents were admitted as evidence. 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 March 31, 2005. The claimant worked as a full-time maintenance employee. The claimant received a copy of the employer's rules and policies. The claimant understood that if he falsified a document, the employer could discipline him and even discharge him.

On May 31, the claimant saw his doctor, who verified the claimant was unable to work on May 31. The claimant received a doctor's statement that indicated he could return to work on Monday, June 2. (Employer Exhibit Two.) The claimant still had problems with his back and did not report to work on Monday, June 2. The claimant called the doctor's office and learned she was on vacation. The claimant did not talk to another doctor.

When the claimant reported to work on Tuesday, June 3, 2008, he gave the employer a doctor's note that he had changed the date from June 2 to June 3 as his return to work date. (Employer Exhibit One.) When an employee is unable to work and does not provide a doctor's note verifying he is unable to work, the employee receives two attendance points. The claimant's job was not in jeopardy and he did not have an attendance problem prior to June 3, 2008.

On June 3, 2008, Spreng noticed that the doctor's statement appeared to be altered. On June 9, the employer contacted the doctor's office and learned the doctor had released the claimant to return to work on Monday, June 2, not June 3. When the employer talked to the claimant about the altered statement he had given the employer, he admitted he had changed the date on the medical statement.

On June 13, 2008, the employer discharged the claimant because he violated the employer's rule about providing falsified documentation to the employer.

**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 § 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 the employer would discipline him if he provided a falsified or altered doctor's statement. Even if the claimant's doctor was on vacation the week of June 2, he had no authorization to change the date that his doctor released him to return to work. The fact the claimant admitted that he changed the dates on the form does not excuse his attempt to get away with providing an altered document to the employer on June 3. Instead of receiving two attendance points, the claimant was discharged for altering a doctor's release. The claimant made an intentional decision to alter the document. His actions amount to a substantial disregard of the standard of behavior the employer has a right to expect from an employee. The employer discharged the claimant for work-connected misconduct. As of June 8, 2008, the claimant is disqualified from receiving benefits.

**DECISION:**

The representative's July 8, 2008 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 June 8, 2008. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw