

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISSA A BOONE-LAFON**  
Claimant

**APPEAL NO. 11A-UI-06888-H**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ITS INC**  
Employer

**OC: 04/17/11**  
**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

Melissa Boone-Lafon filed an appeal from a decision dated May 11, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held in Des Moines, Iowa on June 21, 2011. The claimant participated on her own behalf. ITS participated by Senior Human Resources Representative Jackie Rolow, Facility Manager Linda George, and Senior Vice-President of Human Resources David Saurman.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct sufficient to warrant the denial of unemployment benefits.

**FINDINGS OF FACT:**

Melissa Boone-Lafon was employed by ITS from August 18, 2008 until April 6, 2011 as a full-time charge back specialist. At the time of hire she received the employee handbook as well as the employer's code of conduct.

On March 29, 2011, the claimant had not worked the full day. She had requested, and received, permission from Facility Manager Linda George to make up the time on Saturday, April 2, 2011. On that day she recorded 5.25 hours of work. That was the number of hours she needed to make up for the missed hours on March 29, 2011.

On Monday morning, April 4, 2011, Ms. George reviewed the timesheet and sent the claimant an e-mail asking her if Ms. George needed to unlock the system so the claimant could change her hours. Ms. Boone-Lafon said yes. She changed her hours to show that she had worked 9:15 a.m. until 11:00 a.m., 1:45 p.m. to 4:00 p.m. and 4:15 p.m. to 5:30 p.m.

On Tuesday, April 5, 2011, Ms. George and Senior Human Resources Representative Jackie Rolow, met with the claimant about her timesheet. She was asked if she worked the entire 5.25 hours as claimed and the claimant assured them that she had. Ms. Rolow asked her if she had come and gone during the day and the claimant said she had because the security system will

show anyone using a badge to enter the building. The employer reminded the claimant that they had a door scan and a camera to ID who was coming and going and the claimant said, "I know where this is going. Do you want me to pack up my desk?" The employer said that the door scan did not match with the time she said she had come in and out of the building and at that point Ms. Boone-Lafon admitted that she lied and did not work the entire hours. She maintained she did not want to "let Linda down" because if she did not work the entire 5.25 hours Ms. George would have to re-run various reports. The re-running of these reports is a very minimal type of activity requiring only a few keystrokes and a mouse click.

Ms. Rolow told the claimant that she was suspended for the remainder of the day and the employer would have to review the conduct to determine her future employment. When the claimant returned to work on April 6, 2011, she was discharged for falsification of the timesheet and dishonesty during the investigation.

### **REASONING AND CONCLUSIONS OF LAW:**

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 had received the employee handbook and the code of conduct and knew what was expected of her. She deliberately and willfully falsified the hours that she worked on April 2, 2011, claiming wages for time she did not work. She did, in fact, have sick leave and vacation time that she could have taken to make up the extra hours but chose not to do so. In addition, she lied to the employer during the investigation into this matter. This is a violation of

the duties and responsibilities an employer has the right to expect of an employee. It is dishonesty and conduct not in the best interests of the employer. The claimant is disqualified.

**DECISION:**

The representative's decision of May 11, 2011, reference 01, is affirmed. Melissa Boone-Lafon is disqualified and benefits are withheld until she has requalified by earning ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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