

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LUCAS W JORDAN
Claimant

APPEAL NO: 09A-UI-16454-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLSTEEL INC
Employer

OC: 01/25/09
Claimant: Respondent (2/R)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The employer appealed a representative's October 20, 2009 decision (reference 01) that concluded the claimant was qualified to receive 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 December 8, 2009. The claimant did not respond to the hearing notice, or participate in the hearing. John O'Fallon and Jennifer Collins, the human resource 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 February 28, 2005. The claimant worked full time as a time team lead.

In mid-September 2009, the employer started receiving complaints about the claimant from his co-workers about being disrespectful and using profanity at work. Just before his employment separation, the employer gave the claimant a verbal warning for asking a co-worker to order product for the claimant that he could pick up at the back door. The employer understood the claimant had not planned to pay for the product.

The claimant requested and the employer granted him vacation time for September 23. The claimant's supervisor was not at work on September 23. On September 24, the claimant's supervisor was at work and went through the timecard for the day before to sign them. He noticed the claimant's timecard was not there. The supervisor discovered the payroll already had the claimant's timecard for September 23. The claimant signed the timecard, but no supervisor had signed the card. A co-worker's signature was on the card. The co-workers had

no authorization to sign timecard. The timecard also indicated the claimant had worked the day before.

The employer suspended the claimant on September 25. Although the claimant told the employer there should be another timecard showing he had taken a vacation day on September 23, the employer did not find another timecard for September 23 for the claimant. The employer discharged the claimant on September 29 for submitting a false timecard on September 23.

The claimant reopened his claim for benefits during the week ending September 27, 2009. The claimant has filed for and received benefits since September 27, 2009

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).

Based on the evidence presented during the hearing, the claimant's actions in submitting a false timecard with an unauthorized signature showing he worked on a day he was on vacation amounts to an intentional and substantial disregard of the employer's interests. The claimant committed work-connected misconduct. As of September 27, 2009, the claimant is not qualified to receive benefits.

The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

DECISION:

The representative's October 20, 2009 decision (reference 01) is reversed. The employer discharged the claimant for work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of September 27, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided

he is otherwise eligible. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css