

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARMA S MORRISON**  
Claimant

**APPEAL NO. 12A-UI-15109-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMANA SOCIETY INC**  
Employer

**OC: 11/25/12**  
**Claimant: Appellant (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The claimant, Carma Morrison, filed an appeal from a decision dated December 20, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 28, 2013. The claimant participated on her own behalf. The employer, Amana Society, participated by Director of Marketing Jeff Popenhagen.

**ISSUE:**

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

**FINDINGS OF FACT:**

Carma Morrison was employed by Amana from July 6, 2001 until November 29, 2012 as a full-time embroidery specialist. On November 27, 2012, Manager Stephanie VanZandt sent the claimant home around 3:40 p.m. At 3:51 p.m. the manager saw the claimant still in the building talking with a co-worker. The manager checked the time records on the computer.

The normal procedure is for the employee to access the computer which will then automatically record the time the access was achieved. It will also record that time automatically as the time punched in or out. But in this case Ms. Morrison's records showed she accessed the computer at 3:42 p.m. and had manually entered the punch out time as 3:56 p.m. When Ms. VanZandt questioned her about the discrepancy she said she did not know how it could have happened.

The manager took the issue to the Director of Marketing Jeff Popenhagen. He ran a computer report on Ms. Morrison and it showed many incidents of her accessing the computer and then entering a later time for her punch out. He compared her time records with those of other employees working in the same facility on the same dates and using the same time keeping system. None of those entries showed a discrepancy between the time the computer was accessed and the time actually entered into the system.

Because of the claimant's length of service the employer also consulted with the computer which created the time keeping software. No one there could explain such a discrepancy happening by accident and it could only be done if the employee entered the computer system and manually entered a different time from when the system was accessed.

Mr. Popenhagen interviewed the claimant on November 29, 2012, and showed her the time records relating to the discrepancies in her time keeping. She could offer no explanation except it must have been a computer error. She was discharged at that time for falsification of her time records.

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

Iowa Code section 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 was discharged for falsification of her time records. The employer did a thorough investigation dating back several years and found many instances of the computer time being altered to show a later time. The investigation involved cross checking the time records of other employees and no discrepancies were found with those employees. The claimant's assertion of computer error was checked with the software creators and no viable explanation resulted from that portion of the inquiry.

The administrative law judge considers the claimant had found a way to alter the computer records to credit herself with more time on the job than she actually worked. This constitutes a

form of theft, taking money she had not in fact earned. This is a violation of the duties and responsibilities the employer has the right to expect of an employee and conduct not in the best interests of the employer. The claimant is disqualified.

**DECISION:**

The representative's decision of December 20, 2012, reference 01, is affirmed. Carma Morrison is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, 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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