

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHAWNNA A KOETTERS**  
Claimant

**APPEAL NO. 08A-UI-07840-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK**  
Employer

**OC: 07/20/08 R: 01  
Claimant: Appellant (2)**

Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Shawwna Koettters (claimant) appealed a representative's August 18, 2008 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was discharged from work with Wells Fargo Bank (employer) for violation of a known company rule. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 16, 2008. The claimant participated personally. The employer participated by Mindy Kinnaman, Store Manager.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 28, 2003, as a full-time personal banker. The claimant had access to the employer's handbook and Code of Ethics on line. The Code of Ethics called for the reprimand or termination of a person who falsified a signature. On February 13, 2008, the employer issued the claimant a written warning for absenteeism. This was the only warning the employer issued the claimant during her employment.

In early July 2008, the claimant's father told her to open an account for him and he would stop by and sign the form. Later the father was unable to stop by and instructed the claimant to sign his name on the form. The employer told the claimant that the signature was not a necessary part of opening the account but it would be noted on her record if she opened an account without an electronic signature. The claimant electronically signed her father's name.

Later in July 2008, the claimant told a co-worker what she had done in a manner which implied she did not realize it was wrong. The co-worker informed the employer. The employer terminated the claimant on or about July 22, 2008.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was not discharged for misconduct.

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 employer has the burden of proof in establishing disqualifying job misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Misconduct serious enough to warrant discharge is not necessarily serious enough to warrant a denial of job insurance benefits. Such misconduct must be "substantial." Newman v. Iowa Department of Job Service, 351 N.W.2d 806 (Iowa App. 1984). The employer did not provide sufficient evidence of job-related misconduct. While the administrative law judge understands the employer's concerns, the employer did not provide evidence of any misconduct serious enough or repetitious enough to rise to the level of misconduct. The employer could have issued the claimant a final written warning, suspension or probation for failing to provide legal documentation of her ability to sign her father's name or to get her father's signature on a document that did not require a signature. The employer did not meet its burden of proof to show misconduct. Benefits are allowed.

**DECISION:**

The representative's August 18, 2008 decision (reference 01) is reversed. The employer has not met its proof to establish job related misconduct. Benefits are allowed.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs