

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRANDON T HENLON
Claimant

APPEAL NO. 09A-UI-11054-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK
Employer

**Original Claim: 06/14/09
Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Brandon Henlon filed an appeal from a representative's decision dated July 23, 2009, reference 02, which denied benefits based on his separation from Wells Fargo Bank. After due notice was issued, a hearing was held by telephone on August 18, 2009. Mr. Henlon participated personally. The employer participated by Haley Burford, Collections Supervisor, and Shane Smith, Collections Manager.

ISSUE:

At issue in this matter is whether Mr. Henlon was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Henlon was employed by Wells Fargo Bank from February 16 until June 9, 2009 as a full-time collector. He was discharged for repeatedly failing to complete his time card. He was to use the computer at his work station to record his time.

Mr. Henlon recorded his time for the payroll weeks ending April 5, April 13, and April 19. However, he neglected to hit the "complete" key to complete the process on all three occasions. Therefore, he was placed on a performance improvement plan on April 28. Mr. Henlon failed to record his time for May 1 and May 2 and was given an informal warning. The employer also set up his computer so that a message would appear 15 minutes before the end of his shift each day to remind him to do his time card. He did not do his time card for May 29 and May 30 and, therefore, was given a formal warning on June 3. The warning advised that he would be discharged if the problem continued. He did not do his time card for June 6 and was discharged on June 9, 2009. The above matter was the sole reason for the termination.

REASONING AND CONCLUSIONS OF LAW:

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had

the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Henlon was discharged for not completing his time card. He was counseled and warned informally about the problem but continued to not do his time card. He was given a daily reminder as of May 5 but still continued to not do his time card.

Mr. Henlon had ample warning that he would be discharged if he persisted in not completing his time card. The administrative law judge appreciates that employees will occasionally forget to do the time card. However, it was a persistent and continuous problem for Mr. Henlon. It is not unreasonable for an employer to expect employees to complete time and attendance records. Mr. Henlon's failures were clearly contrary to the employer's expectations. Although he may not have intended to ignore the reporting requirements, his repeated failures established a pattern of negligence that constituted a substantial disregard of the employer's standards. For the reasons stated herein, benefits are denied.

DECISION:

The representative's decision dated July 23, 2009, reference 02, is hereby affirmed. Mr. Henlon was discharged for disqualifying misconduct. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw