

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**GREGORY L CHANEY
2119 – 8TH ST SW
CEDAR RAPIDS IA 52404-5503**

**ALTORFER INC
2600 – 6TH ST SW
PO BOX 1347
CEDAR RAPIDS IA 52406-1347**

**Appeal Number: 06A-UI-07458-CT
OC: 06/25/06 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Gregory Chaney filed an appeal from a representative's decision dated July 17, 2006, reference 01, which denied benefits based on his separation from Altorfer, Inc. After due notice was issued, a hearing was held by telephone on August 10, 2006. Mr. Chaney participated personally. The employer participated by Erik Driessen, Human Resources Manager; Scott Formanek, Production Support Manager; Larry Schneekloth, Parts Manager; and John Deputy, Service Coordinator. Exhibits One and Two were admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Chaney began working for Altorfer, Inc. on January 4, 1999 as a temporary employee. He became full time on March 27, 2000 and was last employed full time as a warehouse specialist. On Sunday, June 18, 2006, he called Larry Schneekloth to report that he would not be at work on June 19 because he was experiencing intestinal problems. Mr. Schneekloth asked Mr. Chaney to call him on the morning of June 19 in case he felt well enough to report for work. Mr. Schneekloth advised him that he, himself, would not be at work on June 19 because of a funeral and that Mr. Chaney's services were needed. Mr. Chaney indicated he would not be calling in on June 19 as he had already reported his absence.

On the afternoon of June 19, Mr. Chaney called the employer to report that he was starting to feel better but would still be absent due to illness on June 20. He was told he would need to provide a doctor's statement to verify the need to be absent on June 19 and June 20. Mr. Chaney reported to work without a doctor's statement on June 21. The employer questioned him as to whether he was actually ill on those dates and Mr. Chaney confirmed that he was. As the conversation progressed, Mr. Chaney admitted that he had given false information regarding the absences. He was actually absent on both days because he was helping a friend with carpentry work on the friend's house. Mr. Chaney was notified on June 21 that he was being discharged for dishonesty. The above matter was the sole reason for the discharge.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Chaney was separated from employment for any disqualifying reason. 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. Chaney was discharged because he gave the employer false information as to the reason for his absences of June 19 and 20. He gave false statements when he called on June 18 and again on June 19. He also gave false information when initially questioned by the employer on June 21.

Mr. Chaney owed the employer the duty of honesty. He breached that obligation by falsifying his reason for absences. The administrative law judge concludes that the dishonesty constituted a substantial disregard of the standards the employer had the right to expect. For the above reasons, it is concluded that disqualifying misconduct has been established and benefits are denied.

DECISION:

The representative's decision dated July 17, 2006, reference 01, is hereby affirmed. Mr. Chaney was discharged for misconduct in connection with his employment. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/pjs