

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HEATHER A SIEK**  
Claimant

**APPEAL NO: 13A-UI-05059-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEE ZEE INC**  
Employer

**OC: 04/07/13  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a - Discharge

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 24, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the hearing. Lacey Leichter, a human resource assistant, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in May 1997. She worked as a full-time scheduler. The employer's policy informs employees that if they clock in or out an employee who is not at work, they can be discharged.

On March 4, 2013, the employer discovered an employee sent the claimant an email at 3:20 p.m. The employee asked the claimant to clock her out in a few minutes or at 3:30 p.m. The claimant responded by indicating she would do this and did. After the employer discovered this email, the employer's IT department investigated.

By April 8, the employer concluded its investigation and talked to the claimant. During the April 8 conversation, the claimant admitted she had clocked out an employee on March 4 when that employee was not at work. The employee left work a few minutes early. The claimant also admitted she had done this more than once and that an employee had also clocked her in or out when the claimant was not at work. The employer discharged the claimant on April 8 for violating the employer's time-reporting policy.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. 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 do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant acknowledged what she had done was wrong. When she clocked in or out an employee who was not at work, she considered this easier than going to a supervisor for permission to leave work early or arriving at work late. Also, the claimant asserted that all time was made up.

The claimant violated the employer's time reporting policy. She intentionally and substantially disregarded the employer's interests and her obligations to the employer when she knowingly clocked in or out an employee who was not at work. Even though the claimant's job was not in jeopardy before the employer learned she violated the employer's time-reporting policy, the claimant committed work-connected misconduct. As of April 7, 2013, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's April 24, 2013 determination (reference 01) is affirmed. The employer discharged the claimant for work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of April 7, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css