

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SANDRA S NAVA
Claimant

APPEAL NO. 13A-UI-01939-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CURLYS FOODS
Employer

OC: 01/13/13
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 13, 2013, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on March 15, 2013. The parties were properly notified about the hearing. The claimant was not available when she was called for the hearing and failed to participate in the hearing. Kathy Peterson participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a laborer from March 19, 2010, to January 17, 2013. She was informed and understood that under the employer's work rules, falsification of documents was grounds for discharge.

The claimant was absent from work from January 11 and 12, 2013. She got a doctor's excuse stating she was excused from working on January 11 due to her child's illness and was released to return to work on January 12. She came into work on January 14 with a doctor's excuse that clearly had been altered to change "1/12/13" to "1/14/13."

After the human resource manager noticed the alteration, the hospital was contacted and the hospital staff confirmed that the excuse given to the claimant had released her to work on January 12 not January 14.

The employer discharged the claimant on January 17, 2013, because she had falsified her medical excuse.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant's violation of a known work rule was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated February 13, 2013, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css