

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID S JONES**  
Claimant

**APPEAL NO. 07A-UI-02898-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OSI COLLECTION SERVICES INC**  
Employer

**OC: 02/25/07 R: 02  
Claimant: Appellant (1)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

David Jones filed an appeal from a representative's decision dated March 20, 2007, reference 01, which denied benefits based on his separation from OSI Collection Services, Inc. After due notice was issued, a hearing was held by telephone on April 18, 2007. Mr. Jones participated personally. The employer participated by Lorre Vlietstra, Operations Manager.

**ISSUE:**

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

**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. Jones was employed by OSI Collection Services, Inc. from August 7, 2006 until February 28, 2007 as a full-time collector. His job was to call taxpayers and businesses to make collections. At the time of hire, he was provided the employer's written policy that prohibits browsing income tax returns unless there is a work-related reason for doing so. The policy requires collectors to notify management if a return is inadvertently accessed. The policy is intended to protect the confidentiality of taxpayer records.

On or about February 27, the employer was notified that Mr. Jones had accessed the income tax return of former Governor and Mrs. Vilsack on February 3, 2007. The employer was also advised that Mr. Jones had accessed the records of a state representative on February 9, 2007. He did not have a work-related reason for accessing either return. He had not notified any supervisor that he had accessed the records accidentally. When confronted by the employer on February 28, Mr. Jones acknowledged that he had browsed the two returns. As a result of his violation of policy, he was discharged on February 28, 2007. The above matter was the sole reason for the discharge.

**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. Jones was discharged for violating a known company rule. He accessed tax returns of the former governor and a state representative without any legitimate reason for doing so. He did not notify anyone that he had accessed the records accidentally as required by policy. Moreover, he acknowledged to the employer that he had, in fact, browsed the returns.

Mr. Jones' actions had the potential of jeopardizing the employer's business. The employer's business would be adversely affected if it were learned that employees were accessing records without any legitimate purpose, thereby compromising the confidentiality of records. The employer's policy is clear and unambiguous. The administrative law judge concludes that Mr. Jones' conduct constituted a substantial disregard of the employer's interests and standards. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated March 20, 2007, reference 01, is hereby affirmed. Mr. Jones was discharged for disqualifying misconduct. 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.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs