

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHELSEA N SKINNER
Claimant

APPEAL NO: 13A-UI-07453-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TENCO INDUSTRIES INC
Employer

OC: 05/26/13
Claimant: Appellant (1)

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 14, 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. John Post, the resident care coordinator, 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 March 2012 as an in-home care provider/residential instructor. The claimant worked 32 to 36 hours a week. The claimant understood employees would be discharged if they falsified a document.

On April 17, 2013, the claimant contacted Post to seek permission to provide a client services on April 20 instead of April 17. Post granted this rescheduling request. The claimant did not show up on April 20 and provide any services to the client. While following up to make sure the parent was satisfied with the claimant's services, the employer learned the claimant had not provided any services to the client on April 17 or 20. The employer did not have access to the claimant's notes until May 20. On May 20, the employer learned the client had been billed for services the claimant reported she provided on April 17. The claimant's documentation indicated she arrived at 3:00 p.m. to pick up the client on April 17 and then took the client to the mall to walk. The claimant did not provide any services to the client on April 17 or 20.

On May 22, the employer talked to the claimant about the documentation she provided to the employer for April 17. The claimant had no explanation for the documentation stating she provided April 17 services that she had not provided to this client. The employer discharged the claimant on May 28 for falsifying information on a document.

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 knew she would be discharged if she reported false information. On April 17 she requested permission to reschedule services for a client to April 20. This was granted. The claimant did not show up on April 20 and did not provide the client services on April 17 or 20. Without any explanation as to why she reported providing services to the client on April 17 when she had not, the evidence indicates the claimant intentionally and substantially disregarded the employer's interests and misrepresented that she provided services to a client on April 17 when she had not. Even though the claimant's job was not in jeopardy before April 17, the fact she misrepresented that she provided services to a client and the client was charged for services the claimant did not provide constitutes work-connected misconduct. As of May 26, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's June 14, 2013 determination (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of May 26, 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css