



Department of Inspections,
Appeals, & Licensing

Iowa Department of Inspections, Appeals, & Licensing
Administrative Hearings Division
6200 Park Avenue, Suite 100, East Entrance
Des Moines, IA 50321-1270

Appeal Decision

Claim Number:
[REDACTED]

Determination Number:
7392888

Appeal Filed By:
FRANCISCAN ADVISORY SERVICES, INC.

Appeal Filed Date:
09/23/2025

Appeals Bureau Docket:
2025147256-AT

[REDACTED]

APPEALS BUREAU DECISION OF ADMINISTRATIVE LAW JUDGE

Mail Date: February 3, 2026

Appellee

Claimant/Job Seeker: LORI BAETKE
Claimant address: [REDACTED]

Appellant

Employer: Franciscan Advisory Services, Inc.
[REDACTED]

Social Security Number: [REDACTED]

In regard to the appeal by FRANCISCAN ADVISORY SERVICES, INC.:

STATUTORY REFERENCE

Iowa Code Section 96.5(2)(a) - Discharge for Misconduct
Iowa Code Section 96.3(7) - Overpayment

ISSUES STATEMENT

- Whether the claimant was discharged for misconduct in connection with the employment.
- Whether the claimant was overpaid benefits.
- Whether the claimant must repay overpaid benefits.
- Whether the employer's account may be charged.

CASE HISTORY

On September 22, 2025, the employer filed a timely appeal from the September 11, 2025 Qualifying Separation Determination. The decision allowed benefits to the claimant, provided the claimant was otherwise eligible, based on an IWD determination that the claimant was discharged on August 22, 2025 for no disqualifying reason. After appropriate notice to the parties, a hearing was held on December 4, 2025. Lori Baetke (claimant) did not comply with the hearing notice instructions to call the designated toll-free number at the time of the hearing and did not

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participate. DeAnna Axtell represented the employer. Exhibits 1 through 4 were received into evidence. The administrative law judge took official notice of the following agency administrative records: Payment Summary, the employer preferred method of notice, and the notice of the fact-finding interview. The administrative law judge took official notice of the fact-finding materials for the limited purpose of determining whether the employer participated and, if not, whether the claimant willfully misrepresented material facts at the fact-finding interview.

FINDINGS OF FACT

After considering all of the evidence in the record, the administrative law judge finds as follows:

Lori Baetke (claimant) was employed by Franciscan Advisory Services, Inc. as a full-time Life Enrichment Assistant (activities assistant) from January 2025 until August 22, 2025, when the employer discharged her from the employment. The claimant's duties involved facilitating and monitoring resident activities in the memory care unit, as well assisting with church services. The claimant had no supervisory or human resources responsibilities.

The sole incident that factored in the discharge concerned the claimant's unauthorized completion and signing of an Iowa Department of Human Services Employer's Statement of Earnings document in support of a recently hired coworker's application for public assistance benefits. See Exhibit 2. The coworker signed the employee portion of the document on August 13, 2025. The claimant completed the employer portion of the document as if she was the authorized employer representative. The claimant was not authorized to complete such documents as the employer's representative. A reasonable person in the claimant's position would have no basis to conclude the claimant was authorized to complete such a state income and employment verification document on behalf of the employer. The claimant added the coworker's dates of employment, the coworker's pay rate, and partial information regarding the then current pay period. The claimant did not forge anyone else's name on the document. The claimant signed her own name on the document as the person who completed the form. The claimant did not date her signature and did not add the employer contact information solicited by the document. The claimant's unauthorized conduct came to the employer's attention on August 21, 2025, when the state agency contacted the employer to discuss the information the claimant has added to the document.

The claimant established a claim for unemployment insurance benefits that IWD deemed effective August 17, 2025. IWD set the weekly benefit amount at \$155.00. The claimant received \$620.00 in unemployment insurance benefits for four weeks between August 17, 2025 and September 27, 2025.

IWD set a fact-finding interview for September 9, 2025 at 10:15 a.m. and appropriately notified the employer through notice with a mailed on August 29, 2025. IWD directed the employer's notice of the September 9, 2025 fact-finding interview to the employer address of record: Franciscan, 3150 Glenbrook Circle South, Bettendorf, IA 52722. That notice included the employer phone number IWD would call to reach the employer at the time of the fact-finding interview: 563-293-2050. That number was the number for the front desk at the employer's main office. The employer received the fact-finding interview notice in a timely manner at the employer's main office and forwarded the notice to DeAnna Axtell Human Resources/Business Office Manager prior to the fact-finding interview. On August 28, 2025, Ms. Axtell submitted a written statement wherein she stated that the employer should not be responsible for unemployment insurance benefits for the claimant because the termination was due to the claimant "signing an Employer Statement of Earnings for an employee as the employer, verifying that the information on the statement was correct. The information on the this statement is INCORRECT and is being investigated by the Department of Human Services." Ms. Axtell quoted the policy the employer deemed the claimant



to have violated: “Forging, altering or falsifying information, including omissions and/or misrepresentation of information on an employment application, pre-employment documents, or any other Franciscan Ministries record of document.” Ms. Axtell did not include in her written statement the date of the conduct or when the conduct came to the employer's attention. Ms. Axtell provided the 563-293-2050 number as her contact number. At the time of the fact-finding interview, the employer did not answer at that number and did not participate in the fact-finding interview call.

The claimant participated in the fact-finding interview and provided a verbal statement to the deputy that did not include a willful misrepresentation of material fact. The claimant spent a significant portion of her statement to deputy discussing circumstances of an absence. When the claimant got around to discussing the basis for the discharge, the claimant told the deputy that a new employee had asked her to sign something to verify the new employee's employment, that no one had ever told the claimant not to sign such a document, so the claimant signed it. The claimant stated that human resources had called her in, said she was not authorized to sign such a “note,” and then discharged her the following day “for signing that note.”

CONCLUSION OF LAW

Iowa Code section 96.5(2)(a) and (d) provides as follows:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The disqualification shall continue until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

...

d. For the purposes of this subsection, “misconduct” means a deliberate act or omission by an employee that constitutes a material breach of the duties and obligations arising out of the employee's contract of employment. Misconduct is limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. Misconduct by an individual includes but is not limited to all of the following:

...

(2) Knowing violation of a reasonable and uniformly enforced rule of an employer.

...

(10) Falsification of any work-related report, task, or job that could expose the employer or coworkers to legal liability or sanction for violation of health or safety laws.

...

The list above is not exhaustive.

The employer has the burden of proof in this matter. See Iowa Code section 96.6(2). Misconduct must be substantial in order to justify a denial of unemployment benefits. Misconduct serious



enough to warrant the discharge of an employee is not necessarily serious enough to warrant a denial of unemployment benefits. See *Lee v. Employment Appeal Board*, 616 N.W.2d 661 (Iowa 2000). The focus is on deliberate, intentional, or culpable acts by the employee. See *Gimbel v. Employment Appeal Board*, 489 N.W.2d 36, 39 (Iowa Ct. App. 1992).

Allegations of misconduct or dishonesty without additional evidence are not sufficient to result in disqualification. If the employer is unwilling to furnish available evidence to corroborate the allegation, misconduct cannot be established. See Iowa Admin. Code rule 871-24.24(3).

While past acts and warnings can be used to determine the magnitude of the current act of misconduct, a discharge for misconduct cannot be based on such past act(s). The termination of employment must be based on a current act. See Iowa Admin. Code rule 871-24.24(7). In determining whether the conduct that prompted the discharge constituted a "current act," the administrative law judge considers the date on which the conduct came to the attention of the employer and the date on which the employer notified the claimant that the conduct subjected the claimant to possible discharge. See also *Greene v. EAB*, 426 N.W.2d 659, 662 (Iowa App. 1988).

The evidence in the record establishes an August 22, 2025 discharge for misconduct in connection with the employment. At some point between August 13, 2025 and August 21, 2025, the claimant, without authorization, attempted to complete and signed an employment verification document for a new coworker. The document on its face indicated it was a document to be submitted to a state agency for consideration in determining the coworker's eligibility for public assistance benefits. The document was on its face directed to the employer. The claimant knew she was not the employer. The claimant knew she had no supervisory or human resources authority. There was no reasonable basis whatsoever for the claimant to think it appropriate to add information to the document or to sign the document as if she were the employer, regardless of whether the employer had a particular work rule that governed the specific conduct. The claimant's conduct prompted state agency scrutiny of employer's involvement in completing the document and thereby brought the claimant's misconduct to the employer's attention. A reasonable person in the claimant's position would have referred the coworker to human resources or supervisory personnel. The weight of the evidence indicates the claimant knew that was the appropriate course of action, but elected a course of action that indicated a willful and wanton disregard of the employer's rights and interests to operate its business, which included cooperating with state agency inquiries to confirm an employee's employment in connection with an application for public assistance benefits. The claimant is disqualified for unemployment insurance benefits until she has worked in and been paid wages equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements.

Because this decision disqualifies the claimant for unemployment insurance benefits, the \$620.00 in benefits the claimant received for the period of August 17, 2025 to September 27, 2025 is an overpayment of benefits.

Iowa Code section 96.3(7) provides in relevant part as follows:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1)



(a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. The employer shall not be relieved of charges if benefits are paid because the employer or an agent of the employer failed to respond timely or adequately to the department's request for information relating to the payment of benefits. This prohibition against relief of charges shall apply to both contributory and reimbursable employers. If the department determines that an employer's failure to respond timely or adequately was due to insufficient notification from the department, the employer's account shall not be charged for the overpayment.

(b) However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment.

Iowa Administrative Code rule 871-24.10(1) and (4), regarding employer participation in fact-finding interviews, provides as follows:

Employer and employer representative participation in fact-finding interviews.

24.10(1) "Participate," as the term is used for employers in the context of the initial determination to award benefits pursuant to Iowa Code section 96.6, subsection 2, means submitting detailed factual information of the quantity and quality that if un rebutted would be sufficient to result in a decision favorable to the employer. The most effective means to participate is to provide live testimony at the interview from a witness with firsthand knowledge of the events leading to the separation. If no live testimony is provided, the employer must provide the name and telephone number of an employee with firsthand information who may be contacted, if necessary, for rebuttal. A party may also participate by providing detailed written statements or documents that provide detailed factual information of the events leading to separation. At a minimum, the information provided by the employer or the employer's representative must identify the dates and particular circumstances of the incident or incidents, including, in the case of discharge, the act or omissions of the claimant or, in the event of a voluntary separation, the stated reason for the quit. The specific rule or policy must be submitted if the claimant was discharged for violating such rule or policy. In the case of discharge for attendance violations, the information must include the circumstances of all incidents the employer or the employer's representative contends meet the definition of unexcused absences as set forth in 871—subrule 24.32(7). On the other hand, written or oral statements or general conclusions without supporting detailed factual information and information submitted after the fact-finding decision has been issued are not considered participation within the meaning of the statute.

...

(4) "Fraud or willful misrepresentation by the individual," as the term is used for claimants in the context of the initial determination to award benefits pursuant to Iowa Code section 96.6, subsection 2, means providing knowingly false statements or knowingly false denials of material facts for the purpose of obtaining unemployment insurance benefits. Statements or denials may be either oral or written by the claimant. Inadvertent misstatements or mistakes made in good faith are not considered fraud or willful misrepresentation.

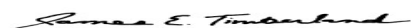
The claimant is not required to repay the overpaid benefits. The overpaid benefits may be assessed to the employer's account. The employer received appropriate notice of the fact-finding interview,



but was not available at the phone number of record and did not participate in the fact-finding interview call. The employer's August 28, 2025 letter lacked relevant dates and other sufficient detail necessary to satisfy the participation requirement. The claimant did not misrepresent material facts at the fact-finding interview. The employer's account will not be charged for benefits for the period beginning September 28, 2025.

DECISION/REMAND

The September 11, 2025 Qualifying Separation Determination is REVERSED. The claimant was discharged on August 22, 2025 for misconduct in connection with the employment. The claimant is disqualified for unemployment insurance benefits until the claimant has worked in and been paid wages for insured work equal to 10 times the claimant's weekly benefit amount. The claimant must meet all other eligibility requirements. The claimant is overpaid \$620.00 in benefits for the period of August 17, 2025 to September 27, 2025. The claimant is not required to repay the benefits. The overpaid benefits may be charged to the employer's account. The employer's account shall not be charged for benefits for the period beginning September 28, 2025.



James TIMBERLAND

Administrative Law Judge

Iowa Department of Inspections, Appeals, & Licensing

Administrative Hearings Division

Unemployment Insurance Appeals Bureau

Please see the last page of this document for important information about reopening the appeal and further appeal rights.



INSTRUCTIONS FOR FILING AN APPEAL

If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, IA 50321
Fax: (515)281-7191
Online: IowaWORKS account

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.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

1. A reference to the decision from which the appeal is taken.
2. That an appeal from such decision is being made and such appeal is signed.
3. The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

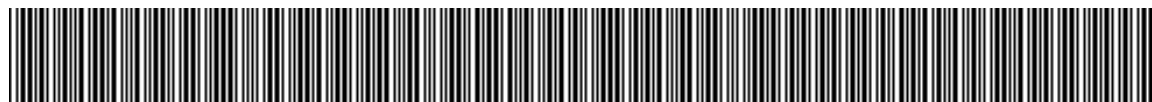
2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code 17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17a.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Iowa 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.

Note to Claimant: It is important that you file your weekly claim as directed, while the appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.



Babel Notice – Claim and Appeal Information

Aviso: Aviso: Documento De Beneficios Del Seguro De Desempleo
Y Información De Apelación

IMPORTANT!

This document contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. **DEADLINE FOR APPEAL:** If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document. **IMMEDIATELY:** If needed, call 866-239-0843 for assistance in the translation and understanding of the information in the document(s) you have received.

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Este documento contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento. **PLAZO LÍMITE PARA APELAR:** Si usted está en desacuerdo con esta determinación o decisión, debe presentar una apelación antes del plazo límite indicado en este documento. **INMEDIATAMENTE:** Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al 866-239-0843.

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这份文件包含有关失业补偿的权利、责任和/或利益的重要信息。您需要理解本文件中的信息，这一点至关重要。

上诉截止日期：如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。**立即：**如果需要，请拨打866-239-0843，可获得帮助，以利您翻译和理解所收到的文件中的信息。

IMPORTANT!

Ce document contient des informations importantes sur vos droits d'allocation de chômage, vos responsabilités et/ou vos bénéfices. Il est indispensable que vous compreniez le contenu de ce document. **DATE LIMITE POUR FAIRE APPEL:** Si vous n'êtes pas d'accord avec cette détermination ou décision, vous devrez faire un appel avant la date limite signalée dans ce document. **IMMÉDIATEMENT:** Si nécessaire, téléphonez au 866-239-0843 pour avoir de l'assistance sur la traduction et/ou la compréhension de ce document.

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IMPORTANTE!

Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

IMPORTANTE:

Questo documento contiene informazioni importanti sui Suoi diritti di indennizzo di disoccupazione, sulle sue responsabilità e i suoi benefit. E' cruciale che Lei comprenda appieno le informazioni contenute in questo documento. **SCADENZA PER IL RICORSO:** Se non si trova in accordo con questa determinazione o decisione, dovrà presentare ricorso prima della scadenza riportata nel presente documento. **INMEDIATAMENTE:** In caso di necessità chiami il 866-239-0843 per assistenza alla traduzione e comprensione delle informazioni contenute nei documenti ricevuti.

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Dokumenty mogą zawierać ważne informacje o Pana(-i) prawach do zasiłków dla bezrobotnych, obowiązków i/lub świadczeń. Zrozumienie informacji zawartych w niniejszym dokumencie jest bardzo ważne. **DATA WYGAŚNIĘCIA TERMINU SKŁADANIA ODWOŁAŃ:** Jeśli nie zgadza się Pan(-i) z decyzją zawartą w niniejszym dokumencie, odwołanie należy złożyć przed datą wygaśnięcia terminu wyszczególnionego w treści niniejszego dokumentu. **NATYCHMIAST:** W razie potrzeby, należy dzwonić pod 866-239-0843 w celu uzyskania pomocy w tłumaczeniu i zrozumieniu informacji w dokumentach, które Pan(i) otrzymał(-a).

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Ovaj dokument sadrži važne informacije o vašim pravima za naknadu nezaposlenosti, odgovornostima i/ili beneficijama. Veoma je važno da shvatite informacije u ovom dokumentu. **ROK ZA ŽALBU:** Ako se ne slažete s ovim određivanjem ili odlukom, morate uložiti žalbu prije roka navedenog u ovom dokumentu. **ODMAH:** Ako je potrebno, nazovite 866-239-0843 za pomoć u prijevodu i razumijevanju informacija u dokumentu(ima) kojeg ste primili.

ໝາງເຫລອ ສາ

ູ່ສໍາຄັນ! ເອກະສານນີ້ປະກອບດ້ວຍຂໍ້ມູນທີ່ສໍາຄັນກ່ຽວກັບສິດທິການຊົດເຊີຍການຫວ່າງງານ, ຄວາມຮັບຜິດຊອບ ແລະ/ຫຼືຜົນປະໂຫຍດຂອງທ່ານ. ມັນເປັນສິ່ງ ສໍາ ຄັນທີ່ທ່ານຕ້ອງເຂົ້າໃຈຂໍ້ມູນໃນເອກະສານນີ້. ກໍານົດເວລາການອຸທອນ: ຖ້າທ່ານບໍ່ເຫັນດີກັບການກໍານົດ ຫຼືການຕັດສິນໃຈນີ້, ທ່ານຕ້ອງອໍ້ນອຸທອນກ່ອນກໍານົດເວລາທີ່ລະບຸໄວ້ໃນເອກະສານນີ້. ທັນທີ: ຖ້າຕ້ອງການ, ໃຫ້ໃບຫາ 866-239-0843 ສໍາລັບການຊ່ວຍເຫຼືອໃນການແປ ແລະຄວາມເຂົ້າໃຈຂອງຂໍ້ມູນໃນເອກະສານທີ່ທ່ານໄດ້ຮັບ.

هام!

تحتوي هذه الوثيقة/ الوثائق على معلومات مهمة حول حقوق تعويض البطالة ومزاياها، لذا من الأهمية فهم المعلومات الواردة فيها. وإن كنت غير موافق على ما تحمله هذه الوثيقة/ الوثائق فيجب عليك تقديم استئناف قبل الموعد النهائي المشار إليه في هذه الوثيقة والاتصال فوراً على الرقم التالي: 866-239-0843 (٨٦٦٢٣٩٠٨٤٣) وإذا كنت بحاجة إلى مساعده في ترجمة وفهم المعلومات الواردة في هذه الوثيقة فلا تردد بالسؤال.