

# DECISION DIGEST

*Actual cases and rulings from Princeton Claims Management*

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## Altering A Document Constitutes Misconduct

### Background

A registered nurse (employee) was terminated for falsifying a test certificate to gain admission into a mandatory class. To remain employed, the nurse knew well in advance that she needed to take a test before attending a required class. She procrastinated and attempted to take the test the evening before the class. The nurse had trouble accessing the test site and became frustrated with the process. She decided to download her certificate from the previous year and alter the date. She was admitted into the class the next day and successfully completed the class. Several days later, the class instructor cross matched the tests and discovered that the nurse had not taken the most recent test and changed her test certificate. The employer confronted her with the discrepancy and the nurse admitted to altering the test certificate. The nurse argued she meant no harm, but felt she had no choice if she were to remain employed. The employer terminated her for falsifying a document which is reason for immediate termination under its policy.

### Process

The former employee (claimant) filed an unemployment claim and was held disqualified for misconduct due to her violation of the employer's policy. The Deputy determined that since the claimant should have known better, her actions "constituted a willful and deliberate disregard of the standards of behavior the employer had a right to expect." The claimant disagreed with the determination and filed an appeal arguing that no harm came to the employer or its patients and therefore, the misconduct disqualification was not warranted.

The claimant, employer witness and Princeton Claims Management appeared for the hearing. Both the claimant and employer agreed that the claimant altered a test certificate to gain admission into a mandatory class. The claimant acknowledged she had ample notice of the class and was aware she needed to take the test before the class. She also acknowledged she waited until the last minute to take the test. Because she had trouble accessing the test site, she became frustrated and made the wrong decision to change the date on last year's test certificate. She expressed that she felt pressure to alter the test certificate because she needed her job to take care of her children. While the employer empathized with her situation, it could not ignore her falsification, which violated not only its policy, but its trust in her judgement and integrity.

### Judgment

The Appeal Tribunal examiner affirmed the Deputy's determination of misconduct and opined "the falsification of a document crucial to her employment was a deliberate disregard of the standards of behavior the employer has a reasonable right to expect of their employees."

*This case demonstrates that even though no harm came to a patient due to a nurse's falsification, her decision to willfully alter a document is a serious breach of trust, which rises to the level of willful misconduct under N.J.S.A. 43:21-(b).*

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