

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LINDA J BALLANGER**  
Claimant

**APPEAL NO. 12A-UI-11145-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MONROE COUNTY HOSPITAL**  
Employer

**OC: 08/12/12  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant, Linda Ballanger, filed an appeal from a decision dated September 10, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on October 10, 2012. The claimant participated on her own behalf and was represented Monte McCoy. The employer, Monroe County Hospital (MCH), participated by Chief of Clinical Operations Lisa Drew, Human Resources Representative Dee Dee Chance, Manager of Inpatient Services Liz Wildt, and Payroll Manager Gail Allgood.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Linda Ballanger was employed by MCH from July 18, 1996 until July 20, 2012 as a full-time RN. During the course of her employment, she had received one or two counselings, mostly about complaints from her co-workers. These complaints were about her spending too much time at the nurses' station instead of being out taking care of patients, and of not being willing to help other staff when needed.

On June 3, 2012, the clamant was working and assigned to two patients. She did a vitals check on one patient around 8:05 p.m. and hooked him to a heart monitor. As a result, she was required to monitor him frequently by reading the print out strips and keeping track of the heart functions. By 10:00 p.m. a second nurse, Karen, came on duty and was assigned two patients after receiving report from Ms. Ballanger. Karen indicated she could take more patients but the claimant declined.

At 11:30 p.m. the heart monitor showed an abnormal reading and alarms went off but Ms. Ballanger did nothing about it when Karen asked her what to do. The claimant merely stated the monitor was "not as accurate" and nothing needed to be done. By midnight one of Ms. Ballanger's patients was discovered to have too low an oxygen saturation and she told the

other nurses to summon a paramedic who was on duty in the hospital to “put a mask on the patient.”

Between midnight and 2:00 a.m. the cardiac machine alarms had gone off and Karen checked the patient’s pulse and blood pressure manually and said the machine’s readings were comparable with her manual ones, which meant it was reading correctly. Ms. Ballanger was unconcerned and stayed at the desk. Karen told her to call the doctor and the claimant asked if the patient was on a “do not resuscitate” order. When told no, the claimant said she had to check on other patients.

Later, it was found the flow meter had been turned up on the patient with the low oxygen saturation. Ms. Ballanger said she did not know how that had happened, even though it was her patient. Finally, the claimant called the doctor around 2:30 a.m. and stated the patient’s vitals were fine, when they were not.

The claimant met with Chief of Clinical Operations Lisa Drew, Human Resources Representative Dee Dee Chance, and Manager of Inpatient Services Liz Wildt on June 6, 2012, to discuss the reports from June 3, 2012. The employer told her the investigation would continue and further disciplinary action, up to and including discharge, might result. Ms. Ballanger was absent from work for the next 18 shifts and finally returned to work July 20, 2012. At that meeting, she was discharged for failing to follow standard procedures and to give necessary care to the patients.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

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 individual shall be disqualified for benefits 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.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. “Misconduct” is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being 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. On the other hand 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 to be deemed misconduct within the meaning of the statute.

The claimant denied most all of the allegations against her, but could provide no adequate explanation as to why two other nurses and the paramedic would conspire together to fabricate such a story about her. The administrative law judge found the claimant's testimony to be lacking in credibility due to contradictory, incomplete, and evasive answers. In addition, the judge does not believe the employer would discharge an employee of 16 years without thoroughly investigating the incident and carefully weighing the decision.

The claimant failed to perform the necessary functions of her job by monitoring the patient on the heart monitor, calling the doctor when vital signs were abnormal, failed to respond to alarms, and ignored the advice and concerns of other nurses. The employer has the obligation to provide medical care that meets professional standards to its patients. The claimant's conduct interfered with its ability to do so. This is conduct not in the best interests of the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of September 10, 2012, reference 01, is affirmed. Linda Ballanger is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw