

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY J COLLINS
Claimant

APPEAL NO. 08A-UI-04956-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLEN MEMORIAL HOSPITAL
Employer

**OC: 04/27/08 R: 03
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

Amy Collins filed an appeal from a representative's decision dated May 20, 2008, reference 01, which denied benefits based upon her separation from Allen Memorial Hospital. After due notice was issued, a hearing was held by telephone on June 9, 2008. The claimant participated personally. Participating on behalf of the claimant was Mr. Thomas Mortz, union representative. The employer participated by Ken Leibold and Jodi Burton. Exhibits One through Ten were received into evidence.

ISSUE:

The issue in this matter is whether Ms. Collins was discharged for misconduct in connection with her work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from February 9, 2005, until April 30, 2008, when she was discharged for failing to follow hospital procedures and because of providing false information. Ms. Collins was employed as a full-time admitting clerk and was paid by the hour. Her immediate supervisor was Jodi Burton.

The claimant was discharged for failing to obtain proper pre-authorization for patient admissions, costing the hospital approximately \$65,000, providing a false name to a disgruntled patient, and for expending numerous hours of paid work time using the internet for her own purposes. Ms. Collins was aware of the company policies, had training in the performance of her duties, and had demonstrated the ability to perform her job.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Collins was discharged for misconduct in connection with the employment. It does.

The evidence in the record establishes that the claimant was trained and had demonstrated the ability to perform her duties as an admitting clerk. Although trained, the claimant failed to follow hospital procedures, resulting in an approximate \$65,000 loss to the hospital when the claimant had not assured that pre-admission documentation had been obtained before admitting a patient. The evidence also establishes the claimant had provided a false name to a disgruntled patient and that the claimant had expended work time to use the internet for shopping purposes. This conduct shows a willful disregard for the employer's interests and standards of behavior and is disqualifying conduct under the provisions of the Iowa Employment Security Act.

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.

For the reasons stated herein, the administrative law judge concludes the claimant was discharged for misconduct. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated May 20, 2008, reference 01, is hereby affirmed. The claimant was discharged for misconduct. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided she is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw