

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEFANIE K KINCAID**  
Claimant

**APPEAL NO. 10A-UI-08116-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS HEALTH SYSTEM**  
Employer

**OC: 05/02/10**  
**Claimant: Respondent (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The employer, Genesis Health System (Genesis), filed an appeal from a decision dated May 28, 2010, reference 01. The decision allowed benefits to the claimant, Stefanie Kincaid. After due notice was issued a hearing was held by telephone conference call on July 22, 2010. The claimant participated on her own behalf. The employer participated by Human Resources Director Craig Fields.

**ISSUE:**

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

**FINDINGS OF FACT:**

Stefanie Kincaid was employed by Genesis from February 2, 2004 until May 6, 2010 as a full-time registrar. The claimant worked on April 24 and 25, 2010, and during that weekend a co-worker discovered what she felt were questionable signatures on forms called COAs (Condition of Admission). Patients are to sign the forms and the registrar was to witness the signature.

The co-worker could not find a COA on one patient and finally went to the patient's room to obtain the required information. The patient stated no one from the registrar had spoken to them or filled out a form and obtained a signature. The patient's address had changed but had not been updated in the computer system. This was reported to Supervisor Amy Edgesdal who then reviewed all the admissions during those two days. A total of five COAs were found with questionable signatures, witnessed by Ms. Kincaid.

The claimant was questioned on May 4, 2010, and shown the forms in question. The signatures on the forms had been compared to the signatures signed by these same patients on earlier visits and they did not match in the employer's opinion. Ms. Kincaid offered explanations for the differences by suggesting the patient had already been on pain medication, had an injury to arm or hand which caused the difference or that they were angry and "scrawling" their signature.

The employer investigated these assertions and eliminated two of the five COAs on those grounds, but no such explanation was available for the remaining three.

Ms. Kincaid denied signing the forms with the patients' signatures but the employer felt there were "some similarities" in the way certain letters were formed between the claimant's signature and those of the patients on the forms. She was discharged May 6, 2010, for falsification of records.

#### **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 employer has the burden of proof to establish the claimant was discharged for substantial, job-related misconduct. *Cosper v. IDJS*, 321 N.W.2d 6 (Iowa 1982). In the present case the employer has not presented any copies of the allegedly falsified forms for examination by the judge, or even an analysis by a handwriting expert to support its contention of falsification. There is insufficient evidence in the record to overcome the claimant's denial of any wrongdoing and disqualification may not be imposed.

**DECISION:**

The representative's decision of May 28, 2010, reference 01, is affirmed. Stefanie Kincaid is qualified for benefits, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs