

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MONICA A ELDRIDGE
313 BRANDON ST
KINGSLEY IA 51028

CARE INITIATIVES
c/o TALX UC EXPRESS
PO BOX 6007
OMAHA NE 68106-6007

Appeal Number: 06A-UI-06513-CT
OC: 05/21/06 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

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.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Monica Eldridge filed an appeal from a representative's decision dated June 12, 2006, reference 01, which denied benefits based on her separation from Care Initiatives. After due notice was issued, a hearing was held by telephone on July 14, 2006. Ms. Eldridge participated personally. The employer participated by Jackie Blanchard, Nurse Manager, and was represented by Lynn Corbeil of TALX UC eXpress. Exhibits One, Two and Three were admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Eldridge was employed by Care Initiatives from April 3, 2003 until May 24, 2006 as a full-time LPN. She was discharged for failing to perform the duties required of her position. Ms. Eldridge was disciplined on December 2, 2003 for failing to document required information. She was disciplined on July 19, 2004 for failing to pass medications and failing to perform required charting.

Ms. Eldridge received a final written warning on November 16, 2005. The warning addressed her failure to perform full assessments on residents, the failure to complete charting on residents being re-admitted and the failure to perform other required charting. The warning advised that she would be discharged if there were further incidents of not charting.

One of Ms. Eldridge's duties was to dispense medication and record the fact that medication was given or refused. The medication cart is rolled to a resident's room where medications are dispensed. The individual dispensing the medication is to chart on the medication administration record (MAR) that the medications were given or refused. The MAR is kept on the medication cart and charting is to be done when the medications are given. In addition to the administration of medications, staff are also required to chart other significant events for residents. Ms. Eldridge kept notes as she progressed through the day, but did not always transfer the information to the residents' charts.

The final events that caused Ms. Eldridge's discharge occurred on May 22, 2006. There were at least five incidents of her either failing to document that medications were given or failing to give the medications. There were other incidents in which required information was not charted as required. There were at least three residents for whom assessments had not been performed. As a result of the failures, Ms. Eldridge was discharged on May 24, 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Eldridge was separated from employment for any disqualifying reason. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Ms. Eldridge was discharged for failing to perform essential functions of her job. Charting medical information is a crucial task as the employer needs complete and current information regarding the health of residents. If medications are not given, a resident's health may be compromised. If medications are given but not documented, another staff member may administer medications again on the mistaken belief that none have been given previously. Such an incident can also compromise the resident's health. If required cares are not documented, other staff may duplicate efforts because of not knowing the cares have been provided. Moreover, the employer may be penalized by the Iowa Department of Inspections and Appeals if required records are not maintained.

Ms. Eldridge was amply warned that her failure to perform required charting was jeopardizing her continued employment with Care Initiatives. In spite of several warnings, she still failed to conform her conduct to the employer's standards. It was Ms. Eldridge's responsibility to review the charts of residents in her care to make sure they were updated with regard to tasks she performed. Given the nature of the employer's business and the fact that Ms. Eldridge had

been warned about her conduct, the administrative law judge concludes that substantial misconduct has been established by the evidence. Accordingly, benefits are denied.

DECISION:

The representative's decision dated June 12, 2006, reference 01, is hereby affirmed. Ms. Eldridge was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/cs