

**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**

**RAMONA KRUEGER
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**IOWA PHYSICIANS CLINIC MEDICAL
FOUNDATION
IOWA HEALTH PHYSICIANS
118 – 2ND ST SE STE 300
CEDAR RAPIDS IA 52401-1201**

**Appeal Number: 05A-UI-04927-ET
OC: 04-10-05 R: 03
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:

The claimant filed a timely appeal from the April 29, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 3, 2005. The claimant participated in the hearing. Kathy Kuntz, Clinic Manager and Dr. Shannon Thronson, Medical Provider, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time certified medical assistant for Iowa Health Physicians from July 15, 2002 to April 13, 2005. She was discharged for unsatisfactory work performance and failure to meet deadlines. One of the claimant's duties was to keep the tracking referral system updated. The tracking system deals with risk management for the patients and when it is properly updated, it works as an effective check and balance system to ensure the correct tests and lab work are done. The claimant entered the data efficiently but failed to follow up which did not seem to be an issue for any other employees. The employer stopped using the Access system in June 2004 and changed to the Referrals Plus system. On January 28, 2005, the claimant was advised her continued problem with maintaining and updating the tracking system was unacceptable and the employer gave her a four-week time frame to bring it up to date. The employer also increased the claimant's workdays by a half day to provide more time for her to catch up on entering the data. The original deadline of February 25, 2005, was extended to March 25, 2005, due to the claimant's absences due to illness and because she was covering for another employee during part of that time. The employer assigned other nurses a few times each week to cover the claimant so that she could complete her work. The claimant failed to meet the extended deadline and the employer issued a written warning April 6, 2005, which the claimant refused to sign. The claimant was given one additional week to complete her updates but failed to meet this final deadline and was discharged April 13, 2005.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

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.

This definition has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. Huntoon v. Iowa Department of Job Service, 275 N.W.2d 445, 448 (Iowa 1979).

The employer has the burden of proving disqualifying job misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The claimant was discharged for poor work performance after she failed to meet the employer's reasonable and extended deadlines to maintain the referral system, which was a requirement of her position. While other employees were able to accomplish the task without any apparent difficulty, the claimant was unable to do so. The deadline was extended three times and the employer provided assistance from her co-workers but the claimant was still unable to get the work done. The claimant did not offer a reasonable explanation for her inability to comply with the employer's directions and the requirements of her position. The claimant's actions took place over a period of time and were not an isolated incident and her conduct demonstrated a willful disregard of the standards of behavior the employer has the right to expect of employees and shows an intentional and substantial disregard of the employer's interests and the employee's duties and obligations to the employer. Consequently, the administrative law judge concludes the employer has met its burden of proving disqualifying job misconduct. Cosper v. IDJS, 321 N.W.2d 6 (Iowa 1982). Benefits are denied.

DECISION:

The April 29, 2005, reference 01, decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

je/pjs