

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ANGELA M HENRY**  
Claimant

**GREAT RIVER MEDICAL CENTER**  
Employer

**APPEAL 15A-UI-00024-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/07/14  
Claimant: Appellant (1)**

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Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 24, 2014 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 27, 2015. Claimant participated. Employer participated through Christy Ford, Human Resources Generalist, and Susan Fowler, Acute Care Unit Director. Employer's Exhibits One through Four were entered and received into the record.

**ISSUE:**

Was the claimant discharged due to job-connected misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as a registered nurse beginning on January 23, 2006 through December 11, 2014 when she was discharged.

The claimant was discharged for repeated failure to chart in the medication administration record (MAR) of eighteen dosages of narcotics to patients during the period from November 1 through November 30. The employer became aware of the problem the first week in December when the report was generated. Ms. Fowler, who is also a nurse, began an investigation. She noted that during the same period the claimant also had nine instances of wasting narcotics that were not properly charted. During the same period of time the claimant was able to accurately chart administration of non-narcotic medication. The claimant could provide no explanation as to why on 18 separate occasions she failed to properly chart that she had administered narcotics to patients. Being busy is not an acceptable excuse for not charting narcotic medication administered to a patient. The claimant knew how to properly administer the medication and how to properly chart it. Failure to properly chart medication given to patients, or not given to patients, endangers the patient's safety and health and is a violation of the Drug Enforcement Policies the employer is required to comply with. Ms. Fowler met with the claimant on December 8 to obtain the claimant's information. The claimant could not explain the missing charting for the narcotics. The claimant was suspended with pay on December 5, 6, and 9 while the employer completed their investigation.

## 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 § 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.

Iowa Admin. Code r. 871-24.32(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 Dep't of Job Serv.*, 275 N.W.2d 445, 448 (Iowa 1979).

Generally, continued refusal to follow reasonable instructions constitutes misconduct. *Gilliam v. Atlantic Bottling Company*, 453 N.W.2d 230 (Iowa App. 1990).

The claimant knew how to properly administer, chart, and waste narcotic medication. The employer's records are persuasive that on 18 occasions in November 2014 she did not properly chart in the MAR that she administered 18 doses of narcotics, nor did she properly waste or note wasting of nine narcotic medications in the MAR. Her actions are contrary to what the employer has a right to expect from a nurse with her years of service and training. The claimant's actions placed her patients in jeopardy and put the employer out of compliance with DEA regulations. The claimant's actions are sufficient misconduct to rise to the level of disqualifying job related misconduct. Benefits are denied.

**DECISION:**

The December 24, 2014 (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.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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