

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERI WILLIAMS**

Claimant

**APPEAL NO: 10A-UI-02996-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PINNACLE HEALTH FACILITIES XVII LP**

Employer

**OC: 12-20-09**

**Claimant: Appellant (1)**

Section 96.5-2-a –Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 22, 2010, 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 April 1, 2010. The claimant participated in the hearing. Connie Richards, Director of Nursing, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the employer discharged the claimant for work-connected misconduct.

**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 registered nurse for Pinnacle Health Facilities XVII LP from January 1, 2010 to January 24, 2010, when she was discharged for repeated unprofessional behavior. She received a written warning January 9, 2010, for handing a CNA a cup full of pills and told the CNA to give the medications to the resident. A registered nurse must give the medication to the patient. Her conduct was unacceptable and the employer advised her that her job was in jeopardy. A verbal warning was issued to the claimant January 17, 2010, for being rude to a resident and his family members. The family called the employer complaining about the claimant's rude behavior and was concerned for their father since he called home very confused. The daughter called and spoke with the claimant and asked the claimant to do an assessment. The claimant was rude, refused to listen and said the resident was fine. The family called three times asking for assistance and the claimant hung up on them once. When the claimant reported to work January 23, 2010, an LPN reported that a resident had requested a baloney sandwich. The claimant said she was busy and would get it later. It was midnight and the resident still had not received a sandwich and was very upset. The resident and the claimant were in a screaming match at approximately 1:30 a.m. The resident called her mother and the police and the claimant knocked the phone out of her hand. The police arrived and investigated the matter at 2:00 a.m. Even while the police were present, the claimant continued screaming and yelling. She slapped a sandwich on the table with mayonnaise packets. The police had to step in and asked the claimant to leave the area. The

claimant was insolent to the policeman and the officer tried to explain to her that she needed to learn how to walk away as she was out of control. The claimant finished her shift and her employment was terminated the following day.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment for 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.

The claimant was discharged for repeated unprofessional behavior. Her actions were not isolated incidents and her conduct demonstrated a willful disregard of the standards of behavior the employer has the right to expect of employees. It also shows an intentional and substantial disregard of the employer's interests. 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). Therefore, benefits are denied.

**DECISION:**

The February 22, 2010, 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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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css