

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHANNON D ROUTSON**  
Claimant

**APPEAL NO: 14A-UI-02961-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MERCY CLINICS INC**  
Employer

**OC: 02/16/14  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a - Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a representative's March 12, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the April 9 hearing. Sheryl Spruill, the clerical supervisor, Susan Miller and Mary Hultman appeared on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in May 2011. The claimant worked full time as a certified medical assistant in a pediatrics clinic. When the claimant started her employment, she understood she was not allowed to access medical records of any immediate family member.

On January 3, 2014, the claimant completed an on-line training and electronically signed an acknowledgment that she understood she would not look at and use only the confidential information she needed to perform her job duties, or would not look at confidential information to satisfy her personal curiosity. (Employer Exhibit One.)

On February 12, 2014, the employer received an anonymous note stating the claimant had accessed a hospital patient's records on February 10, 2014. The employer investigated this information and discovered the claimant had accessed a hospital patient's record on February 10, 2014. The employer's tracking system indicated the claimant had accessed this patient's records 17 times on February 10.

The employer asked the claimant on February 17 if she had accessed a hospital patient's record on February 10. The claimant denied she had done this. The employer discharged the

claimant on February 21 for violating the employer's HIPAA policy by intentionally accessing a hospital patient's record on February 10.

On February 10 the claimant's fourth cousin, a child the claimant did not know, was admitted to the hospital, but not the clinic. The claimant accessed this child's records to verify what relatives told her was true. The claimant looked at the patient's record in-between work she performed at the clinic. The employer's record indicates she accessed the patient's record 17 times is correct, but she actually read the chart less than five or ten minutes.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. An intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion do not amount to work-connected misconduct. Iowa Admin. Code r. 871-24.32(1)(a).

Even if the claimant was told she could not access immediate family members' records when she first started working, she completed a training on January 3, 2014, that specifically stated she could not look at confidential information that she did not need to know to perform her job or to satisfy her personal curiosity. (Employer Exhibit One.) The claimant intentionally violated the employer's confidential information policy by accessing a hospital patient's records. The claimant had nothing to do with hospital patient and she accessed this information for her personal curiosity. The information she accessed had nothing to do the performance of her job at the clinic. The claimant's decision to access information that she was not authorized to access amounts to an intentional and substantial disregard of the employer's policy and a HIPAA violation. The employer discharged the claimant for reasons constituting work-connected misconduct. As of February 16, 2014, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's March 12, 2014 determination (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. As of February 16, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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