

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

SANDRA S KRESS

Claimant,

and

B & D SERVICES INC

Employer.

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HEARING NUMBER: 11B-UI-07532

**EMPLOYMENT APPEAL BOARD
DECISION**

N O T I C E

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Findings of Fact as follows:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a part-time program assistant providing direct care to individuals with disabilities from October 19, 2009 through April 13, 2010 when she was discharged. *The claimant had been in a 90-day introductory period which the employer extended. The employer met with the claimant on February 11, 2010 to address* five areas that needed significant improvement: complete household tasks (after a week off she found urine-soaked bedding and clothes, which she washed and dried vomit, which she cleaned up; interact with individuals and help them rather than watch television but only acted according

to training instruction and example and watched television after clients had gone to bed; improve listening skills so would not ask the same question repeatedly but she asked the question again if she did not understand or needed further explanation; improve written skills for Medicaid documentation and time sheets but she was not trained for medication pass documentation until after the employment began and the time increments of two minutes were confusing to her so she asked her supervisor questions to make sure she did it correctly; pick up mail and follow through with change notices on a timely basis. She picked up her mail every two or three days and at least weekly when time sheets were due and corrected reports while she was there. She did not report for the meeting with her supervisor to review progress scheduled for April 7, 2010 because her daughter had stopped breathing and she took her to the emergency room. She reported the situation to the employer the following day. She did her job to the best of her ability and according to the way she was trained. She was shadowed during her training. Her work history was primarily in cleaning, convenience store and certified nursing aide.

John A. Peno

Elizabeth L. Seiser

AMG/fnv