

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACOB D GRUVER
Claimant

APPEAL NO. 10A-UI-15312-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE BLOOD CENTER OF IOWA
Employer

OC: 10/03/10
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 29, 2010, reference 01, that concluded the claimant was discharged for work-connected misconduct. A telephone hearing was held on December 20, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Mimi Kilburn participated in the hearing on behalf of the employer. This is a duplicate decision to the one issued in Appeal 10A-UI-15313-SWT, which is issued because this employer reported wages for the employer under two account locations.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked for the employer as a donor technician from May 27, 2006, to October 8, 2010. He was informed and understood that under the employer's work rules, falsification of documents was grounds for termination.

In mid-September 2010, the claimant was approached by the volunteer chair of a blood drive. The chair had someone on her list of potential donors who she believed was not medically able to give blood. She wanted the person off her list to call about donating blood. She knew there was a procedure for situations when a donor reports to donate blood and registers to give blood, but is deferred from giving blood because they are not qualified to give blood for some reason. The chair suggested that the claimant get the potential donor deferred.

To appease the voluntary chair who was aggressive and sometimes difficult to deal with, the claimant went ahead and registered the donor as if the donor had appeared to give blood and then deferred the person as not eligible to give blood.

The claimant soon realized that what he done was improper and reported what he had done to a supervisor. He was told to complete a quality control report to document what he had done. About a week later, the claimant's supervisor, Mimi Kilburn, was informed of the quality control

report. The claimant was informed that the matter would be investigated. After completing the investigation, Kilburn discharged the claimant on October 7, 2010, for falsifying a Center document and registering a donor to give blood without the donor being present in violation of the Center policy.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The claimant's violation of a known work rule was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case. The claimant argued that the employer's progressive discipline policy was not followed in this case, but in an unemployment case, the focus is on the claimant's conduct and whether it meets the definition of misconduct.

DECISION:

The unemployment insurance decision dated October 29, 2010, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css