

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DONNA LANTZ**  
Claimant

**APPEAL NO. 13A-UI-05428-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KEOKUK AREA HOSPITAL**  
Employer

**OC: 04/14/13  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)(a) - Discharge for Misconduct

**STATEMENT OF THE CASE:**

Donna Lantz (claimant) appealed an unemployment insurance decision dated May 1, 2013, reference 01, which held that she was not eligible for unemployment insurance benefits because she was discharged from Keokuk Area Hospital (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 12, 2013. The claimant participated in the hearing. The employer participated through Louis Skow, Melanie Kelly and Rhonda Shrek. Employer's Exhibits One through Seven were admitted into evidence.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time registered nurse from May 18, 1992 through April 12, 2013 when she was discharged for frequent reprimands and patient complaints. She had 23 disciplinary actions prior to the final incident and these were due to interpersonal communication skills, absenteeism and discourteous treatment to patients and employees. The claimant received a three-day suspension and final warning on March 27, 2013 for a patient family complaint after she was judgmental with the family of a terminal patient who was on narcotics. The patient's family complained to the doctor and requested the claimant not care for their family member. The final incident occurred on April 10, 2013 when a patient and his family complained about the claimant's belligerent and confrontational treatment from the claimant. She "copped an attitude" and gave him medications without asking his name or birth date. When they asked what medications she was giving him, she did not know and had to come back later with that information. Consequently, they did not want the claimant to provide any further care or treatment for the patient.

## REASONING AND CONCLUSIONS OF LAW:

The issue is whether the employer discharged the claimant for work-connected misconduct. A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code § 96.5-2-a.

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.

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 employer has the burden to prove the discharged employee is disqualified for benefits for misconduct. *Sallis v. Employment Appeal Bd.*, 437 N.W.2d 895, 896 (Iowa 1989). The claimant was discharged on April 12, 2013 for repeated reprimands and patient complaints. The gravity of the incident, number of policy violations and prior warnings are factors considered when analyzing misconduct. The claimant was most recently warned on March 27, 2013 when she was suspended for three days and advised any further incidents could result in termination. The last incident, which brought about the discharge, constitutes misconduct because she failed to perform her work in a satisfactory manner. Work-connected misconduct as defined by the unemployment insurance law has been established in this case and benefits are denied.

## DECISION:

The unemployment insurance decision dated May 1, 2013, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits because she was

discharged from work for misconduct. Benefits are withheld until 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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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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