

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANGELA M ROUSE
Claimant

APPEAL NO. 11A-UI-07360-C

**ADMINISTRATIVE LAW JUDGE
DECISION**

FOUNTAIN WEST HEALTH CENTER INC
Employer

OC: 05/08/11
Claimant: Appellant (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Angela Rouse filed an appeal from a representative's decision dated May 27, 2011, reference 01, which denied benefits based on her separation from Fountain West Health Center, Inc. After due notice was issued, a hearing was held July 6, 2011, in Des Moines, Iowa. Ms. Rouse participated personally. The employer participated by Joyce Giesking, director of nursing, and Julie Johnson, assistant director of nursing. Exhibits One through Four were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Ms. Rouse was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Rouse was employed by Fountain West from July 1, 2008 until April 4, 2011 as a full-time registered nurse. She was discharged for writing false information on residents' charts.

Residents' medications are to be administered at a specified time. Staff may administer the medications no more than one hour before or one hour after the designated time. Staff is expected to record the exact time the medications are given. On March 31, 2011, Ms. Rouse charted that she gave a medication at 9:00 p.m., the designated time, but actually gave it between 10:00 and 10:30 p.m. The error was discussed with her on the afternoon of April 1. She was reminded that her chart notes had to be accurate. The exact same thing happened again during her shift the evening of April 1. A 9:00 p.m. medication was charted as having been given on time when it was actually given between 10:00 and 10:30 p.m. As a result of the final incident on April 1, Ms. Rouse was discharged on April 4, 2011.

REASONING AND CONCLUSIONS OF LAW:

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Ms. Rouse was discharged for making false notations on residents' charts. The employer had the right to expect that documents concerning a resident's medical care would be accurate. Such documents are used in charting a resident's condition and determining future care. It is also possible that they could be used at some point in official proceedings involving the resident.

Ms. Rouse's conduct was contrary to the standards she knew the employer expected of her. She had just been verbally warned about the conduct on the afternoon of April 1. In spite of the warning, she engaged in the same practice later on April 1. Her incorrect statements as to when medications were given had the potential of adversely impacting a resident's health and safety. If other staff members relied on Ms. Rouse's notations, it is possible additional medication may have been given too close in time to the dosage that was given earlier. Her actions were also contrary to the employer's interests, as it had the potential of resulting in fines and/or citations from the Iowa Department of Inspections and Appeals.

As a licensed registered nurse, Ms. Rouse knew or should have known that her actions were contrary to the employer's interests and standards. The evidence of record does not establish any justification for her errors. Moreover, it was not necessary to falsify the times, as the times the medications were actually given appear to be within the window of opportunity for giving medications. After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that disqualifying misconduct has been established. As such, benefits are denied.

DECISION:

The representative's decision dated May 27, 2011, reference 01, is hereby affirmed. Ms. Rouse was discharged by Fountain West for misconduct in connection with her employment. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw