

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HEATHER NORTHCUTT
Claimant

APPEAL NO. 10A-UI-01717-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA REGIONAL HEALTH CENTER
Employer

OC: 01/10/10
Claimant: Appellant (2)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 28, 2010, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on March 3, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Ashley Arkema participated in the hearing on behalf of the employer.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a social worker in the hospice program from June 23, 2008, to January 8, 2010. She had been given a final warning about unsatisfactory work performance on December 17, 2009.

The employer discharged the claimant after she was about a week late in making a bereavement call on a family member that she was given on December 16. The protocol required the call to be made within one to two weeks. As a result of the holidays and the press of other work, the claimant did not make the call until around January 8, 2010. She did not deliberately fail to contact the family member.

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 section 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).

No willful and substantial misconduct has been proven in this case. The claimant is qualified to receive benefits.

DECISION:

The unemployment insurance decision dated January 28, 2010, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs