

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARA J REYNOLDS
Claimant

APPEAL NO. 12A-UI-04469-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

**OC: 03/25/12
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated April 20, 2012, reference 01, that concluded the claimant's discharge was for work-connected misconduct. A telephone hearing was held on May 11, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. David Williams participated in the hearing on behalf of the employer with witnesses, Breanna Sturm and Mindy Savage. Exhibits One through Five were admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked as a certified nursing assistant (CNA) from November 9, 2010, to March 27, 2012. The claimant was informed and understood her duties included following proper peri-care procedures and documenting all the services provided to the residents.

The claimant was warned on February 9 and March 15, 2012, about failing to follow proper peri-care procedures and failing to complete timely documentation of all the services provided to residents. The March 15, 2012, was a final written warning, and the claimant knew her job was in jeopardy.

After March 15, 2012, the claimant continued to fail to fully and timely complete her documentation of services provided to residents. She only documented 61 percent of the services provided on March 26. She also was subject to audits of her peri-care services and failed to pass her last three audits.

On March 27, 2012, the employer discharged the claimant for repeated failure to fully and timely complete her documentation and follow peri-care procedures.

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 evidence establishes repeated negligence that equals willful misconduct in culpability because of the harm caused by her repeated failure to document the services she provided and not properly cleaning the residents.

DECISION:

The unemployment insurance decision dated April 20, 2012, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css