

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LANETTE V WILLIAMS

Claimant

APPEAL NO. 10A-UI-04766-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA

Employer

OC: 02/21/10

Claimant: Respondent (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The University of Iowa (UI) filed an appeal from a representative's decision dated March 19, 2010, reference 01, which held that no disqualification would be imposed regarding Lanette Williams' separation from employment. After due notice was issued, a hearing was held by telephone on May 11, 2010. Ms. Williams participated personally. The employer participated by Mary Eggenburg, Staff Benefits Specialist; Aaron Knapper, Outpatient Phlebotomy Supervisor; and Ray Haas, Health Care Human Resources Specialist.

ISSUE:

At issue in this matter is whether Ms. Williams 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. Williams was employed by UI from February 12, 2007 until February 22, 2010. She worked full time as a clerk in the phlebotomy clinic. She was alleged to have violated Health Insurance Portability and Accountability Act (HIPAA) requirements on December 7, 2009.

On December 7, Ms. Williams was talking with a coworker at the check-in counter of the phlebotomy clinic. The coworker was a phlebotomist in the clinic. Ms. Williams disclosed the name of a patient, the sports team he played on, the frequency with which he had blood drawn, and his medical condition. The conversation was overheard by some other workers, all phlebotomist in the clinic. One of those individuals made an anonymous call and reported Ms. Williams' conduct on December 8. Ms. Williams was on medical leave beginning December 14. She came in on December 19 at the employer's request to discuss the allegation against her. Ms. Williams denied that she had violated HIPAA standards.

The employer continued to investigate the matter and called Ms. Williams on or about January 28 to meet with the employer. On the advice of her union, she declined to return to the

workplace until the expiration of her medical leave. She was discharged when she returned to work on February 22, 2010. The above matter was the sole reason for her discharge.

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. Williams was discharged based on an allegation that she violated HIPAA standards by disclosing confidential patient information. She did not share confidential patient information with anyone outside of her own department. There was no evidence that there were any patients within earshot of the conversation she was having with a coworker. She did not share any information that the phlebotomists could not have seen and/or heard in the ordinary course of their work activities in the department.

Ms. Williams did not deliberately or intentionally act in a manner she knew to be contrary to the employer's standards or interests. It does not appear that she had any work-related reason for discussing the patient when she did. However, the fact remains that she did not disclose any confidential information her coworkers could not have gained simply by being in the department and observing the comings and goings of patients. At most, Ms. Williams may have used poor judgment. However, an isolated instance of poor judgment is not considered disqualifying misconduct. 871 IAC 24.32(1). While the employer may have had good cause to discharge her, conduct that might warrant a discharge will not necessarily support a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa App. 1983). Inasmuch as there was no substantial misconduct, benefits are allowed.

DECISION:

The representative's decision dated March 19, 2010, reference 01, is hereby affirmed. Ms. Williams was discharged but disqualifying misconduct has not been established. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css