

BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319

PAMELA E WEBSTER

Claimant

and

GOOD SAMARITAN SOCIETY INC

Employer

HEARING NUMBER: 18BUI-07384

EMPLOYMENT APPEAL BOARD
DECISION

N O T I C E

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

We think the Administrative Law Judge's decision is based on an implied finding that the Claimant would have been fired for her misconduct alone. We now make that finding explicit. We find that the Claimant's allowing residents to self-medicate was a sufficient cause of the termination, meaning that even if the

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Employer had not taken into account the Claimant's placement of her hand on the medication cart (which was not misconduct) still she would have been fired. In all other respects we concur with the Administrative Law Judge and adopt her decision as our own.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

RRA/fnv