

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANNE K BURNHAM**  
Claimant

**APPEAL NO. 07A-UI-05150-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROADLAWNS MEDICAL CENTER**  
Employer

**OC: 04-15-07 R: 02  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge/Misconduct

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 8, 2007, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 25, 2007. The claimant did participate. The employer did participate through Ed Rund, Director of Mental Health and Social Services Treatment, and (representative) Rick Barrett, Legal Resources Coordinator and Attorney at Law.

**ISSUE:**

Was the claimant discharged for work-related misconduct?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a case manager partial hospitalization, full-time beginning April 5, 2000, through April 20, 2007, when she was discharged.

The claimant had a therapeutic relationship with a client. She allowed the client to spend the night at her home. The claimant was trying to provide care for the client so that his parents could celebrate their wedding anniversary. The claimant is covered by the regulations regarding social workers as well as the employer's internal regulations. The claimant admitted both at hearing and when questioned by the employer that she should not have allowed a client whom she had a therapeutic relationship with to spend the night at her home. The client stayed at the claimant's home on March 26, 2007, and the employer discovered the event occurred on April 13, 2007. The claimant was interviewed by the employer on April 16, 2007 and admitted that she excised poor judgment in allowing a client to spend the night at her home.

The claimant is a seasoned clinician with years of experience and over twenty years as an employee of Broadlawns. By allowing the client to stay in her home, the claimant exposed the employer to potential legal liability if any claims were made by the client about the claimant's conduct while he remained in her home.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was discharged from employment due to job-related misconduct.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

The employer's evidence does establish that the claimant deliberately and intentionally acted in a manner she knew to be contrary to the employer's interests or standards. As a seasoned, long-time employee clinician, the claimant knew or should have known that allowing a client to spend the night in her home was unacceptable conduct. The claimant admits that she should have made other arrangements for the client. An evening out for the parents of the client, while an admirable thing for the claimant to want to provide, does not constitute an emergency situation where she needed to keep the client in her home overnight. The claimant's actions exceed a mere error in judgment. She violated known and acceptable boundaries between clients and therapeutic providers. There was a wanton or willful disregard of the employer's standards. In short, substantial misconduct has been established by the evidence. Benefits are denied.

**DECISION:**

The May 8, 2007, reference 01, decision is affirmed. The claimant was discharged from employment due to job-related misconduct. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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