

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CASEY E HUBER**  
Claimant

**APPEAL NO. 12A-UI-01189-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MERCY HOSPITAL**  
Employer

**OC: 12/25/11  
Claimant: Appellant (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

The claimant, Casey Huber, filed an appeal from a decision dated January 24, 2012, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 5, 2012. The claimant participated on her own behalf. The employer, Mercy Hospital, participated by Employee Relations Manager Sheryl Knutson, Nurse Manager Julie Mellecker, and Director of Nursing Carol Northrup and was represented by Nancy Wood.

**ISSUE:**

The issue is whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Casey Huber was employed by Mercy from January 3, until December 13, 2011 as a full-time registered nurse in the labor and delivery area. She received a verbal warning on July 26, 2011, for failing to chart medication she had given to a patient and did not inform the nurses on the next shift, either. On September 13, 2011, she received another verbal warning for sleeping on the job.

On December 9, 2011, she received a final written warning for incidents on December 8 and 9, 2011 for failure to provide necessary patient care which could have jeopardized the safety of a newborn infant. The warning notified her that her job was in jeopardy.

On December 12, 2011, she was attending a patient who became faint and eventually fainted altogether on the way to the bathroom. Ms. Huber did not call for assistance but got the patient back into bed, inserted a catheter and approximately an hour later when she was trying to get the patient into a wheelchair, the patient fainted again. At that time a doctor and another nurse assisted in getting the patient back to bed and transferred the patient in the bed. Ms. Huber did not chart any of these occurrences. In addition, her assessment of the patient was that her orientation was "good" which was a completely inaccurate assessment for a patient who had fainted.

Nurse Manager Julie Mellecker had been informed of the incident which is why she was reviewing the charting. When she found no charting of these incidents she conferred with Carol Northrup and Sheryl Knutson. The decision was made to discharge the claimant for poor patient care and failure to perform the essential functions of her job.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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 claimant had been advised her job was in jeopardy as a result of her poor work performance and failure to provide appropriate care for the patients. Ms. Huber seemed to feel Ms. Mellecker's priority was to move the patients quickly and she would therefore be excused from doing her charting. She only assumed this as no instructions were given to her to sacrifice documenting patient cares in favor of speed. In addition, she was not prohibited from staying after the end of her shift to complete the charting.

Ms. Huber felt she did not receive enough mentoring when she began the job but at no time did she ask for additional mentoring and training. She only mentioned there were "personality" issues but this does not in any way imply the need for addition training.

The record establishes the claimant was taking shortcuts in performing her job duties which, in conjunction with the lack of charting, jeopardized the health and safety of the patients. The

employer has the obligation to provide good care for all patients and the claimant's conduct interfered with its ability to do so. This is conduct not in the best interests of the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of January 24, 2012, reference 01, is affirmed. Casey Huber is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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