

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTY L TOWNSEND
Claimant

APPEAL NO. 13A-UI-06310-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CENTRAL IOWA HOSPITAL CORP
Employer

OC: 04/28/13
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 15, 2013, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on August 22, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Lindsay Schuman participated in the hearing on behalf of the employer with witness, Amy Dagetad and Kim Killpack.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a patient care technician in the obstetrics department from April 8, 2002, to April 29, 2013. She had received three previous corrective action notices for attendance on October 24, 2012; January 2, 2013; and January 28, 2013. She was informed that an employee was subject to termination at four corrective action notices.

On April 25, 2013, the claimant used a piece of equipment for obstetrics department to check the prenatal heart beats for an employee who was pregnant with twins. She was not authorized or trained to use the equipment.

The employer discharged the claimant on April 29, 2013, for using the employer's equipment without authorization or training and because she had three prior corrective actions.

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 claimant's conduct was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated May 15, 2013, 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