

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELANIE J DENHAM**  
Claimant

**APPEAL NO. 11A-UI-12506-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**  
Employer

**OC: 08/21/11**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 13, 2011, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on October 13, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. David Williams participated in the hearing on behalf of the employer with a witness, Jaci Garden.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as a charge nurse from January 31, 2011, to August 3, 2011. The claimant was informed and understood that under the employer's work rules, an employee could be discharged after progressive discipline of a verbal warning, written warning, final written warning, and termination.

The claimant had been verbally warned on May 23 for failing to give a medication to a resident as required by the medication administrative record (MAR). She had received a written warning on May 31 for not changing a pain medication patch at the proper time on May 27 as required by the MAR.

On July 29, the claimant failed to give a resident cough medication as required by the MAR. The director of nursing did not receive the medication error report until August 3.

On August 2, the claimant failed to give a resident a diuretic as required by the MAR. The same day, she gave a resident an anxiety medication before the time that the MAR specified. The claimant was trying to get the medication cart in order on August 2 because it was disorganized after a medication changeover that occurred at the beginning of August.

On August 3, the director of nursing issued a final written warning to the claimant based on the medication error committed on July 29 and terminated the claimant based on the two

medication errors made on August 2 and the progressive discipline issued previously for the same conduct.

**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 repeated medication errors despite warnings amounts to carelessness or negligence of such degree of recurrence as to manifest equal culpability to willful misconduct due to the potential for harm to residents. It was a 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 September 13, 2011, 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