

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEDRA A BOWER**  
Claimant

**APPEAL NO. 07A-UI-05494-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DAVIS COUNTY HOSPITAL**  
Employer

**OC: 05/06/07 R: 03  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 31, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on June 13, 2007. Claimant participated. Employer participated through Shari Mitchell, Lois Westercamp and Gary Foll. Employer's Exhibit 1 was received.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was employed as a full time patient accounts representative from 1979 until May 11, 2007 when she was discharged. On May 9 Mitchell found out that services from a March 2007 school health fair had not been billed. Two hundred dollars was written off as "health fair charity" that was not charged or transferred to another account. Claimant blamed the issue on Sandy Sergeant but claimant was responsible for handling contract billing since the computer software installation. Investigation determined she was the one who wrote that off. Claimant said she had forgotten to do that since they went to the bottom of a stack and said she was behind in her contract billing as far as May 2006. She had set them aside but had not asked for help. Employer then determined the delinquency actually dated back to April 2005 and there was \$1.2 million in accounts over 90 days old.

On March 12, 2007, a patient who was also an employee was supposed to pay in cash instead of check as Mitchell had directed. Employer had warned her on June 7, 2006 about failing to bill for long term-care patient pay accounts.

**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.

Claimant's repeated and prolonged failure to fully perform her job duties, deliberately setting aside work in stacks, not bringing the delinquency issues to employer's attention, and not requesting assistance is evidence of misconduct. Benefits are denied.

**DECISION:**

The May 31, 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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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/css