

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SANDRA J HARRIS**

Claimant

**APPEAL NO. 09A-UI-07878-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE UNIVERSITY OF IOWA**

Employer

**OC: 04/19/09**

**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 18, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone conference hearing was held on June 16, 2009. Claimant participated. Employer participated through Melissa Gross, nurse manager intermediate care unit and was represented by Nancy Kroeze of employee relations.

**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 most recently worked full-time as a RN and was separated on April 9, 2009. She failed to attend a mandatory computer training on Thursday, March 26, 2009 because she was out of town. There were many dates when the training, with three to six weeks' advance posting, could have been rescheduled had employer known she had a schedule conflict. She was aware of the training before she made her travel plans and did not communicate her intended absence with employer even though she knew she should have done so. She missed another scheduled work day unit retreat on October 11, 2007 without calling. In July 2006 she failed to complete an annual TB training test until after employer sent three reminder letters. Upon hire she was required to attend a service leadership program within the first year. She was hired January 2004 and it was not completed until August 2006. She missed mandatory competencies (tests and training) in November 2007 and finally completed them in February 2008. She delayed completing mandatory training and testing about anti-coagulation with 11 notices after December 2008 with a deadline of mid-March 2009. She completed the requirements in April 2009. All training is paid and employer accommodates schedules to arrange convenient times for the employee including allowing additional hours before or after a shift or on a day off to use the employer's computer. She did not notify supervisors she was having trouble scheduling time to complete the training and testing and did not ask for additional dedicated scheduled work time or overtime.

## 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.

Generally, continued refusal to follow reasonable instructions constitutes misconduct. *Gilliam v. Atlantic Bottling Company*, 453 N.W.2d 230 (Iowa App. 1990).

Claimant's repeated failure to fully complete training in a timely fashion or attend mandatory training sessions without notice or rescheduling when employer was willing and able to accommodate her schedule is evidence of willful job related misconduct. Benefits are denied.

**DECISION:**

The May 18, 2009, 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/pjs