

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRISTIN M HODGES**  
Claimant

**APPEAL NO: 10A-UI-03916-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**  
Employer

**OC: 01/24/10**  
**Claimant: Appellant (1)**

Section 96.5-2- a- Discharge

**STATEMENT OF THE CASE:**

The claimant appealed a representative's March 1, 2010 decision (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. A telephone hearing was held on April 15, 2010. The claimant participated in the hearing. Kelly Battista, Monte Priske, Brenda Nichols and Kara Backoff appeared on the employer's behalf. During the hearing, Employer Exhibits One and Two were offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the employer discharge the claimant for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on June 9, 2009. The claimant worked as a full-time charge nurse. The employer's policy requires residents to receive the proper medication and the correct medication. (Employer Exhibit Two.) The employer requires all documentation be accurate. The employer's policy provides guidelines for handling corrections. The employer policy also states that any violation of the policy will result in disciplinary action which could include discharge. (Employer Exhibit One.)

On January 21, 2010, the employer talked to the claimant about some issues. One of the issues discussed was the fact some employees reported the claimant passed medication without using the MAR or did not take the med cart to residents' rooms. The employer reviewed the steps of the Med Pass policy with the claimant. Specifically, the employer reminded her that she has to verify all meds administered with the MAR and to make sure she gave the right meds to the right resident.

January 23, 2010, was very hectic and stressful at work for the claimant. When the claimant passed meds during her shift, she gave a resident the correct medication, but used the meds for another day, not the designated January 23, 2010 meds. On the documentation the claimant

reported she had given the resident the correct meds on January 23. An employee notified the employer that the meds the claimant reported she had given the resident on January 23 were still in the cassette. When the claimant came to work on January 24, she realized she had given the resident meds on January 23 that were in a cassette for another day. The claimant thought she would get into trouble if she reported this error. Instead of reporting this to Nichols, the director of nursing, or making a written report of what had happened, the claimant took out the meds in the January 23 cassette and threw them away. The claimant did not report this to anyone. The employee who made the initial report, also reported that on January 24, the January 23 meds were missing or gone when the employee worked.

On Monday, January 25, 2010, the employer talked to the claimant about the January 23 and 24 medication issues. The employer concluded the claimant failed to give the resident the January 23 medication and inaccurately reported she had given the proper meds to the resident on January 23. The employer discharged the claimant because she reported she had given the resident the correct medication on January 23 when she had not.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code section 96.5-2-a. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. Inefficiency, unsatisfactory conduct, unsatisfactory performance due to inability or incapacity, inadvertence or ordinary negligence in isolated incidents, or good faith errors in judgment or discretion are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

After the employer talked to the claimant about some issues on January 21, 2010, she believed the employer was in the process of trying to discharge her. Although the claimant realized she made a mistake by giving a resident medication that was designated for January 24 to the resident on January 23, the claimant did not say anything to anyone or document her mistake. Instead, on January 24, the claimant took the medication in the January 23 cassette and threw it away. The claimant's attempt to hide or cover up her mistake instead of documenting her mistake or reporting the error to someone amounts to an intentional and substantial disregard of the standard of behavior the employer has a right to expect from an employee. On January 24, 2010, the claimant committed work-connected misconduct. As of January 24, 2010, the claimant is not qualified to receive benefits.

#### **DECISION:**

The representative's March 1, 2010 decision (reference 02) is affirmed. The employer discharged the claimant for work-connected misconduct. The claimant is disqualified from

receiving unemployment insurance benefits as of January 24, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs