

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JODI L ISAACSON**  
Claimant

**APPEAL NO. 12A-UI-12678-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TRINITY REGIONAL MEDICAL CENTER**  
Employer

**OC: 09/23/12**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated October 18, 2012, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on November 26, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Ted Vaughn participated in the hearing on behalf of the employer with a witness, Julie Hewitt.

**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 from September 22, 2008, to September 27, 2012. She was informed and understood that under the employer's work rules, employees were required to notify the employer before the start of their shift if they were not able to work as scheduled.

The claimant had received a warning on October 11, 2011, for using inappropriate language in the presence of staff and visitors. She received a suspension on April 18, 2012, for unprofessional conduct because she refused to toilet a patient and commented to other staff that she would not put the patient on the bedpan, which visitors could have overheard. She was informed at that time that further infraction would result in her discharge.

The claimant was scheduled to work at 6:45 a.m. on September 23, 2012. She failed to set her alarm and overslept. She woke up when she was called by the charge nurse. She arrived at work at 7:25 p.m.

On September 27, 2012, the employer discharged the claimant for being late for work without notice and her history of the progressive discipline.

**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 on September 23 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. She had been warned in the past that any further infractions would result in termination. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

**DECISION:**

The unemployment insurance decision dated October 18, 2012, 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs