

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NATHAN L HEDLUND**  
Claimant

**APPEAL NO. 06A-UI-11727-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BIOLIFE PLASMA LLC**  
Employer

**OC: 10/29/06 R: 03**  
**Claimant: Respondent (2)**

Section 96.5-2-a – Discharge  
Section 96.3-7 – Recovery of Overpayment of Benefits

**STATEMENT OF THE CASE:**

Biolife Plasma LLC (employer) appealed a representative's November 28, 2006 decision (reference 01) that concluded Nathan L. Hedlund (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant had been discharged for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 20, 2006. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Kathleen Wilson, the center manager; Rhonda Harnish, an assistant manager; and Missy Martens, a former lead technician, appeared on the employer's behalf. 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.

**ISSUES:**

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

Has the claimant been overpaid any unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer on August 21, 2001. The claimant had been working at another location and had recently transferred to the facility where Harnish became the claimant's supervisor. The claimant was an area supervisor.

On October 18, 2006, the claimant was the manager in charge when he peeled a label off one collection bag and put it on another collection bag while a donor was providing plasma. The claimant did not follow the employer's standard operating procedure by verifying the identification of the donor and placed the correct label on the collection bag. When an employee asked the claimant if he could do this, he indicated what he had done was permissible. The employee did not believe the claimant's actions and response were correct and later questioned her manager.

At the end of the day on October 18, Harnish was alone with the claimant and emphasized the employer's need to make sure all employees followed the standard operating procedures by making sure donors were all properly identified. Harnish had this discussion because another employee had stuck a person who had not been properly identified. If the claimant had told Harnish what he had done earlier, she could have done something. Instead, the claimant said nothing. On October 19, after an employee reported the October 18 incident, the claimant admitted what he had done on October 18, 2006. The claimant explained that he was busy and there was no one else in management when this occurred.

On October 24, 2006, the employer discharged the claimant because he knowingly failed to report that he had not followed the employer's standard operating procedure on October 18, 2006. The claimant established a claim for unemployment insurance benefits during the week of October 29, 2006. The claimant filed claims for the weeks ending November 4 through December 9, 2006. The claimant received his maximum weekly benefit of \$359.00 for each of these weeks.

#### **REASONING AND CONCLUSION OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 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).

The claimant's failure to report he had not followed the employer's standard operating procedure when he noticed a collection bag had not been labeled on October 18, 2006, constitutes work-connected misconduct. The facts indicate the claimant intentionally failed to report the incident he had with an unlabelled collection bag even though an employee questioned him. Furthermore, the claimant had an opportunity to report this incident when he and his supervisor talked at the end of the day about making sure all employees followed the correct procedure when identifying donors. Without the claimant's testimony to explain why he did not say anything to Harnish at the end of his shift on October 18, the evidence indicates he committed work-connected misconduct. Therefore, as of October 29, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits he is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending November 4 through December 9, 2006. The claimant has been overpaid \$2,154.00 in benefits he received for these weeks.

#### **DECISION:**

The representative's November 28, 2006 decision (reference 01) is reversed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of October 29, 2006. This

disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged. The claimant is not legally entitled to receive benefits for the weeks ending November 4 through December 9, 2006. The claimant has been overpaid and must repay a total of \$2,154.00 in benefits he received for these weeks.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css