

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CYNTHIA L STEUHM
Claimant

APPEAL NO. 11A-UI-14401-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRINNELL REGIONAL MEDICAL CENTER
Employer

OC: 10/09/11
Claimant: Respondent (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated October 26, 2011, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on December 1, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Deb Nowachek participated in the hearing on behalf of the employer with a witness, Sheryl Rutledge.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant had worked as a receptionist for the University of Iowa Community Medical Services at the Deer Creek Medical Center for over ten years. On June 1, 2011, Grinnell Regional Medical Center took over ownership and management of the Deer Creek Medical Center. The claimant worked as a patient service representative for the employer at the Deer Creek Medical Center from June 1, 2011, to August 26, 2011. When she was hired, she was informed that she was on a 90-day trial period. Sheryl Rutledge, the director of rural health, was the claimant's supervisor

On August 26, 2011, the claimant was discharged at the end of her probationary period for the following reasons: (1) not obtaining preauthorization for medical procedures from insurance companies, (2) not calling patients to confirm their appointments, and (3) not maintaining accurate and updated information in charts. The claimant was not disciplined regarding these deficiencies before her discharge.

During the transition period before the employer took over ownership of the Deer Creek Medical Center, the employer received copies of the job descriptions for staff members from University of Iowa Community Medical Services. They were reformatted using the Grinnell Regional Medical Center standards and submitted to the staff members, including the claimant, for their input. There were several marked-up draft job descriptions circulated and the claimant had

crossed off obtaining preauthorizations and calling patients to confirm appointments. The claimant ended up receiving more than one version of her job description.

The claimant had never obtained preauthorization for medical procedures during her employment in the past, because it was considered nursing staff's responsibility due to health information privacy concerns and she believed she was not qualified to make such inquiries. Prior to August 26 no staff member had asked her to obtain preauthorization from an insurance company. The claimant did not believe obtaining preauthorizations were part of her job duties.

The claimant had crossed off confirming patient's appointments from the proposed job description because, two years earlier, the center administrator had instructed the receptionists to stop calling patients regarding appointments because it was determined to be unnecessary and too time-consuming. Prior to August 26 no staff member had asked her to call patients to remind them of their appointments. She did not believe reminding patients about their appointment was part of her job duties.

The claimant pulled charts, updated information in the charts, and filed charts to the best of her ability and never deliberately neglected completing her job duties regarding the charts.

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 employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to substantial and willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. Lee v. Employment Appeal Board, 616 N.W.2d 661, 665 (Iowa 2000).

871 IAC 24.32(5) provides:

- (5) Trial period. A dismissal, because of being physically unable to do the work, being not capable of doing the work assigned, not meeting the employer's standards, or having been hired on a trial period of employment and not being able to do the work shall not be issues of misconduct.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and the reliability of the evidence and by applying the

proper standard and burden of proof. The claimant's testimony regarding why she did not call patient's to remind them of appointments or do preauthorizations was very credible. I am unconvinced that she was willfully neglecting these tasks. The evidence also fails to show the claimant was deliberately neglecting her charting duties. The evidence establishes the claimant was discharged because the employer determined at the end of her trial period that she was not meeting the employer's standards, which based on the rule is not misconduct. No willful and substantial misconduct has been proven in this case.

DECISION:

The unemployment insurance decision dated October 26, 2011, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw