

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JODI R WADDELL**

Claimant

**APPEAL NO. 09A-UI-00115-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL IOWA HOSPITAL CORP**

Employer

**OC: 11/30/08 R: 02  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated December 30, 2008, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on January 20, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Nick Malcom participated in the hearing on behalf of the employer.

**ISSUE:**

Was the claimant discharged for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as an oncology coordinator from May 2000 to November 25, 2008. The claimant was informed and understood that under the employer's work rules, unauthorized removal, possession, or off-premise use of property belonging to the employer, patients, visitors, or employees was prohibited.

On November 24, 2008, the claimant took a personal bag that belonged to a staff member. The bag contained the staff member's performance evaluation, patient charts, and some of the staff members' personal belongings, including snack food and prescription sunglasses. She believed she was being unfairly harassed by her supervisor and she wanted to read the performance evaluation of staff members to compare it to her evaluation. After reading the evaluation, she put the evaluation and patient charts in the confidential bin in the doctor's lounge and threw the bag and the personal belongings in the trash.

The staff member reported the bag and patient charts were missing to the supervisor. The supervisor in turn consulted with the building manager, and in reviewing surveillance video, he observed the claimant leaving the clinic with the bag.

When asked by the supervisor on November 25, 2008, about whether she had taken the bag, the claimant denied it. The claimant was discharged that day for violating the work rule prohibiting employees from unauthorized removal of property belonging to the employer,

patients, and employees. After she was discharged, the claimant contacted the employer to describe where the patient files, evaluation, and personal belonging were.

### **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 violation of a known work rule 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. The claimant argues that her taking the bag was not really why she was discharged. I do not believe for a minute that the employer would have responded differently if another employee had taken a coworker's bag, read her evaluation, and thrown away the coworker's bag and personal belongings. I do not question the claimant's testimony that she was anxious and depressed. But even if the supervisor had treated the claimant adversely in the past and she was under great stress and depressed, her actions were willful and constitute work-connected misconduct as defined by the unemployment insurance law.

### **DECISION:**

The unemployment insurance decision dated December 30, 2008, 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/css