

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBRA JORDAHL**  
Claimant

**APPEAL NO. 06A-UI-09879-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMPREHENSIVE SYSTEMS INC**  
Employer

**OC: 09/10/06 R: 02  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Debra Jordahl (claimant) appealed an unemployment insurance decision dated October 4, 2006, reference 01, which held that she was not eligible for unemployment insurance benefits because she was discharged from Comprehensive Systems, Inc. (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 23, 2006. The claimant participated in the hearing with her union representative, Tom Moritz. The employer participated through Mary Amsbaugh, Program Manager and Jenny Backer, HCBS Coordinator. 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:**

The issue is whether the employer discharged the claimant for work-related misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time direct support staff from July 8, 2005 through September 12, 2006 when she was discharged for repeated disruptive behavior and failure to complete her job duties. She was required to provide the employer with accurate information about the consumers and her activities with the consumers. On March 30, 2006, the claimant reported a consumer was abused or neglected but then she failed to follow up on it with an incident report. She demonstrated a pattern of providing inaccurate information to the employer which disrupted the employer's business. One example of this is when she called the duty nurse and said the consumer had on blood-soaked pads when in actuality, they were party shields with a couple dots of blood.

Sometimes she would provide accurate information but it would only be a part of the entire situation. On August 21, 2006, she claimed that the program manager said they had to complete certain programs before they could go out and do their activities in the community. This was not truthful as the program manager had not said that. When the claimant was speaking with the program manager on the telephone, she held the phone out so the

consumers could hear what the program manager was saying. On approximately August 22, 2006, an issue came up about the claimant taking vacation time. She reported to others she had requested time off work but it was denied. The claimant had not turned in a request and when the employer asked her to provide the denial paperwork, she said it was at home. She was suspended on August 24, 2006 for three days and advised that continued problems would result in her termination. On August 30, 2006, she provided a pink copy of a vacation request with a sticky note on the corner which purportedly denied her request. Employees are given white copies of the vacation request form and if it had been denied, it would have been written on the request as opposed to being placed on a sticky note. On September 12, 2006, the claimant showed another employee a tape-recorder and stated that she was going to tape-record conversations she had with the program manager. This is a violation of the confidentiality policy which the claimant signed. Most conversations with the program manager were about consumers and if it was going to be a reprimand, the claimant could have always had her union representative with her. The decision was made to terminate the claimant's employment due to the continued problems.

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

The issue is whether the employer discharged the claimant for work-connected misconduct. A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code section 96.5-2-a.

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:
  - a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

- a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand 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 to be deemed misconduct within the meaning of the statute.

This definition has been accepted by the Iowa Supreme Court as accurately reflecting the intent of the legislature. Huntoon v. Iowa Department of Job Service, 275 N.W.2d 445, 448 (Iowa 1979).

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 claimant was discharged for repeated disruptive behavior and failure to complete her job duties. She had been warned and was even suspended but the disruptions continued. The administrative law judge notes that the evidence provided by the claimant in the hearing was not clear or easily understood and the employer pointed out that this further demonstrated part of the problems with the claimant. The claimant's conduct was a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case and benefits are denied.

**DECISION:**

The unemployment insurance decision dated October 4, 2006, reference 01, is affirmed. The claimant is not eligible to receive unemployment insurance benefits because she was discharged from work for misconduct. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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