

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FARRAH M HASSEBROEK
Claimant

APPEAL NO: 13A-UI-05062-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SIOUXLAND MENTAL HEALTH SERV INC
Employer

**OC: 03/31/13
Claimant: Appellant (2)**

Iowa Code § 96.5(2)a - Discharge

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 17, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the hearing. The employer chose not to participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer in August 2010. She worked full time as a nurse practitioner. Dr. Ronald Brink, the medical director, supervised the claimant.

Before the employer implemented a new computer software program in January 2013, the claimant usually documented her notes before she left at 5 p.m. If she had a new patient, these notes took longer and she had these notes documented within 48 hours prior to January 2013.

The employer implemented the new computer program on January 7, 2013. The computer program did not work the first two weeks in January. The employer asked the claimant and others to write out their notes so the office manager could input them into the computer. The office manager typed and inputted the first week of the claimant's notes, but not the second week.

After the computer system was running, the claimant started typing in her notes. Employees received very little training and it took the claimant and other providers an extraordinarily long time to input their notes. It took an average of 40 minutes to input a note.

After the claimant inputted her patient notes for the third week of January, she shredded her handwritten notes. The day after the claimant shredded her handwritten notes, the computer system deleted all the notes she had entered. The claimant immediately went to management, explained the situation and asked for assistance or guidance. No one responded to her.

The claimant noticed other providers stayed after work and came in on weekends to get their notes into the computer system. The claimant could not stay late or go to work on weekends to input her notes because she is a single parent with two young children.

The claimant again went to management because she was getting behind in getting her notes into the computer system. The claimant asked for time to input her notes. Initially, the employer gave her random 30-minute increments to get caught up. This did not work out because she answered questions from other nurses or became involved in other work issues instead of documenting her notes.

In late February or early March, a manager finally listened to the claimant and realized she had a huge problem with her documentation. After being told about the claimant's situation, Dr. Brink told the claimant to take off three days to get caught up. The claimant was able to take off one day, Wednesday, but the office manager was upset that she was not seeing patients. The claimant was then required to see patients the next two days. The claimant was also told she had to be caught up by that Friday. The claimant did what she could, but she was not caught up by Friday.

On March 25, when she came back from a pre-planned vacation with her children, the claimant received an email from the human resource department telling her that this was her final warning and she was required to get all of her documentation done by that Friday by 5 p.m. The claimant was allowed to stay home so she would not have any interruptions at work. In addition to doing her recent documentation, the claimant was also now required to do the second week of her January notes that the office manager had initially been assigned to do.

The claimant had problems getting the employer's software program to work on her home computer. These problems were ultimately resolved and the claimant worked 10 hours a day in an attempt to get all of her documentation caught up. A co-worker even came to the claimant's home to help her. On Friday, March 29, the claimant had not completed 50 to 75 notes.

On Monday, April 1, the employer discharged her because she failed to get all of her notes inputted or documented into the computer system.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if an employer discharges her for reasons constituting work-connected misconduct. Iowa Code § 96.5(2)a. 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 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).

The law defines misconduct as:

1. A deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment.
2. A deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees. Or
3. 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 do not amount to work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant did not have any problems keeping her documentation current until the employer implemented a new computer software program. The claimant asked for assistance in getting caught up in late January, but no one in management responded to her. After the claimant's supervisor realized how far behind the claimant was with her documentation, he told her to take off three days. Other management personnel objected and required the claimant to work and still get caught up on her documentation. On March 25, the employer gave the claimant her first written warning which was a final written warning. The claimant was then given until March 29 to get caught up with her documentation. This time she was allowed to stay home to do it. The claimant worked to the best of her ability to enter all her notes, but initially she had problems using the employer's program on her home system, the time it took to enter documentation was unreasonably long and the claimant was not allowed to dictate a new patient's notes as she had done in the past. Also, during this week, she was now required to do work the office manager had been assigned to do in early January. The claimant tried to get all her documentation done, but still had 50 to 75 notes left to do by the March 29 deadline.

The employer discharged the claimant for business reasons, but the claimant did not commit work-connected misconduct. As of March 31, 2013, the claimant is qualified to receive benefits.

DECISION:

The representative's April 17, 2013 determination (reference 01) is reversed. The employer discharged the claimant for business reasons, but the claimant did not commit work-connected misconduct. As of March 31, 2013, the claimant is qualified to receive benefits. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs