

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**YONNA K BARTLETTE**  
Claimant

**APPEAL NO. 10A-UI-10924-H**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL IOWA HOSPITAL CORP**  
Employer

**Original Claim: 06/27/10  
Claimant: Appellant (1)**

Section 96.5(2)a – Discharge

**STATEMENT OF THE CASE:**

Yonna Bartlette filed an appeal from a decision of August 2, 2010, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held in Des Moines, Iowa, on September 15, 2010. The claimant participated on her own behalf. Central Iowa Hospital Corporation participated by Human Resources Business Partner Ashley Wirtjes and Manager of 3E Jill Heilskov.

**ISSUE:**

Whether the claimant was discharged for misconduct sufficient to warrant a denial of unemployment benefits.

**FINDINGS OF FACT:**

Yonna Bartlette was employed by Central Iowa Hospital Corporation from February 19, 2007, until June 29, 2010, as a full-time registered nurse. The claimant received a first-level disciplinary action on April 9, 2009, for failing to document a verbal doctor's order in the patient chart. On August 4, 2009, she received a written warning for the same violation.

On February 22, 2010, she received a written warning and was placed on probation for two years. She had failed to note in a patient's chart that she had administered a dose of insulin. The claimant then left for lunch and when the staff found the patient's blood sugar still to be critically high, necessary testing was delayed because the staff was not certain whether Ms. Bartlette had actually administered the additional dose of insulin because there was no entry on the chart. This was considered a "delay of care" and the claimant was counseled by Manager Jill Heilskov. The manager told her that her job could be in jeopardy if there were any further incidents during a probationary period.

On June 22, 2010, the claimant had taken a verbal order from a doctor's office by phone but had not documented it in the physician's order section of the patient's chart. The previous warnings had all told her that she must document all verbal orders at all times. Ms. Bartlette felt she was excused from following those instructions because the nurse from the doctor's office

had said she would come over to the hospital and write the order herself. This is not what the claimant had been instructed to do in the prior warnings.

This incident was brought to the attention of Ms. Heilskov on June 23, 2010, and she met with Human Resources Business Partner Ashley Wirtjes. They met with Ms. Bartlette on June 25 and she acknowledged that she had not written down the verbal order as she had been instructed to do in the prior warnings. She was then placed on suspension pending further action. The meeting was held on Friday and the human resources director did not return until Monday, June 28. A discussion with the Human Resources Director and a review of the claimant's disciplinary action history was done at that time. The decision was made to discharge her and she was notified by Ms. Wirtjes and Ms. Heilskov on June 29, 2010.

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

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.

The claimant had been advised her job was in jeopardy as a result of her failure to properly document treatment in the patients' charts. Two of the warnings were specifically for failure to document verbal orders given over the phone. The warnings were very specific that she would be required to document all of these orders herself at the time they were given.

Ms. Bartlette felt she was excused from doing this on June 22, 2010, when the nurse from the doctor's office said that she would write the order. But, this is not what the employer expected.

It was ultimately the claimant's responsibility to see that the chart was complete by the time she left her shift and she failed to do this. This is a critical function and lack of documentation could have had a negative impact on the patient's health and could have exposed the employer to sanctions or legal liabilities. This is a violation of the duties and responsibilities the employer has the right to expect from an employee and conduct not in the best interest of the employer. The claimant is disqualified.

**DECISION:**

The representative's decision of August 2, 2010, reference 01, is affirmed. Yonna Bartlette is disqualified and benefits are withheld until she has requalified by earning ten times her weekly benefit amount, provided she is otherwise eligible.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

kjw/kjw