

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOYCE K SOLBERG
Claimant

APPEAL NO: 06A-UI-08317-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 07/23/06 R: 03
Claimant: Appellant (1)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Joyce K. Solberg (claimant) appealed a representative's August 16, 2006 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Care Initiatives (employer) would not be charged because the claimant had been discharged for disqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 5, 2006. The claimant participated in the hearing. Lynn Corbeil represented the employer. Barb Bernard, a nurse consultant, and Steve Dowd, the administrator, appeared on the employer's behalf. During the hearing Employer Exhibits One through 10 were offered and admitted as evidence. 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:

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

FINDINGS OF FACT:

The claimant started working for the employer on July 18, 2005. The claimant worked as the director of nursing. Dowd was the claimant's supervisor. As part of her job duties, the claimant trained other employees the proper way to complete documentation. The claimant also completed training on compliance issues in a Hot Line Training informing her that employees could not knowingly falsify documents. (Employer Exhibits Five and Eight.)

On July 13, 2006, a nurse specialist was at the employer's facility and in the process of training the employer's new assistant director of nursing. During this training, the nurse specialist and the claimant learned that Monthly Positioning Device Assessments had not been completed for June by the former assistant director of nursing. The former assistant director of nursing was the person responsible for completing these forms. The nurse specialist reported that these assessments had not been completed for June and asked Bernard to follow-up to see if the assessments were completed for July. (Employer Exhibit One.)

On July 21, Bernard discovered these nine assessment reports were now completed but had been dated as being completed in late June. (Employer Exhibit Two.) When the employer talked to the claimant about this on July 26, the claimant acknowledged she had completed the paperwork on July 17, not June 30 as indicated on the reports. The claimant dated the reports June 30 because she wanted to keep the employer in compliance. The claimant had kept notes on residents she had recorded in June which she relied upon when completing the reports. On July 26, the claimant asked if she could clarify the reports to properly indicate when she had prepared the reports. The employer did not allow the claimant to do this. On July 27, the employer discharged the claimant because she falsified the nine assessment reports by backdating them to late June, instead of indicating they had been completed on July 17.

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. For unemployment insurance purposes, misconduct amounts to a deliberate act and a material breach of the duties and obligations arising out of a worker's contract of employment. Misconduct is a deliberate violation or disregard of the standard of behavior the employer has a right to expect from employees or is 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 are not deemed to constitute work-connected misconduct. 871 IAC 24.32(1)(a).

The claimant knew or should have known the importance of accurately documenting business records or reports. The claimant knowingly completed nine assessment reports on July 17, but dated the reports as being completed in late June. The claimant's only explanation as to why she did this was so the employer would be in compliance. The claimant did not attempt to clarify the reports until after the employer discovered the inaccurate reports. The claimant's actions on July 17 establish that she intentionally falsified documents and substantially disregarded the standard of behavior the employer had a right to expect from her. The employer discharged the claimant for reasons constituting work-connected misconduct.

DECISION:

The representative's August 16, 2006 decision (reference 01) is affirmed. The employer discharged the claimant for reasons constituting work-connected misconduct. The claimant is disqualified from receiving unemployment insurance benefits as of July 23, 2006. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw