

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VERONICA A GREENSLIT
Claimant

APPEAL NO: 14A-UI-01156-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QHC WINTERSET NORTH LLC
Employer

OC: 12/29/13
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 24, 2014 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 February 20 hearing. Jessica Gray, the administrator, and Emily Kennedy appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not 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 June 2010. She worked as a full time LPN. The claimant understood the employer's procedures required medications be passed to residents one at a time. The claimant and other employees who pass medications have a small window of time to pass medication to residents. Sometimes the claimant took short cuts to get the medications passed within the specified time frame. The short cut involved dispensing multiple residents' medication at the same time. The claimant knew she violated the employer's protocol when she dispensed multiple residents' medication.

During her employment, the claimant received a warning and a three-day suspension on September 17, 2013, for giving the wrong medication to a resident. On December 27, 2013, the claimant was suspended for possibly giving a resident, who went to the Emergency Room, the wrong medication on December 26. The employer learned that on December 26, the claimant dispensed multiple residents' medication at the same time, a violation of the employer's protocol. The employer discharged the claimant on January 2, 2014, for violating the employer's protocol when passing medications to residents. The employer concluded the resident who had gone to the Emergency Room had received the wrong medication from the claimant on December 26.

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 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 facts establish the claimant knew the employer's protocol for dispensing medication but intentionally violated it on December 26. The evidence establishes the claimant needed assistance on December 26 to dispense medication at the right time. The claimant's solution was to deliberately violate the employer's medication dispensing procedure by dispensing to multiple residents' medication at the same time. Even though other nurses did this, when management saw this being done, these nurses were disciplined. The claimant committed work-connected misconduct when she knowingly violated the employer's medication dispensation procedure.

DECISION:

The representatives' January 24, 2014 determination (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 December 29, 2013. 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/pjs