

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRIANA WOODBECK**  
Claimant

**MCFARLAND CLINIC PC**  
Employer

**APPEAL 20A-UI-14220-DZ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Briana Woodbeck, the claimant/appellant, filed an appeal from the October 29, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on January 7, 2021. Ms. Woodbeck participated and testified. The employer chose not to participate. Official notice was taken of the administrative record.

**ISSUE:**

Was Ms. Woodbeck's laid off, discharged for misconduct or did she voluntarily quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Woodbeck began working for the employer on August 1, 2016. She worked as a full-time medical receptionist. Her last day at work was August 2, 2020 when she was discharged.

Ms. Woodbeck's primary duties were to receive and place calls on behalf of the employer and to check-in and check-out patients. Ms. Woodbeck knew that one specific provider to which the employer referred patients always wanted specific medical imaging done for patients they saw. In mid-July 2020, Ms. Woodbeck offered to call the doctor of a patient who had been referred to the specific provider about the specific imaging that would be needed. The patient agreed and Ms. Woodbeck made the call. Later Ms. Woodbeck's manager asked her about the incident because another provider was upset that they weren't getting same treatment. Ms. Woodbeck relayed what happened and the conversation ended.

The employer discharged Ms. Woodbeck. The reason the employer gave her was because she had gone above her duties and ordered imaging for a patient.

Prior to the hearing, the employer notified the Appeals Bureau of Iowa Workforce Development that it did not contest Ms. Woodbeck claim and did not wish to participate in the hearing.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Woodbeck was discharged from employment for no disqualifying reason.

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 of proof in establishing disqualifying job misconduct. *Cosper v. Iowa Dep't of Job Serv.*, 321 N.W.2d 6 (Iowa 1982). The issue is not whether the employer made a correct decision in separating claimant, but whether the claimant is entitled to unemployment insurance benefits. *Infante v. Iowa Dep't of Job Serv.*, 364 N.W.2d 262 (Iowa Ct. App. 1984). Misconduct must be "substantial" to warrant a denial of job insurance benefits. *Newman v. Iowa Dep't of Job Serv.*, 351 N.W.2d 806 (Iowa Ct. App. 1984).

In this case, the employer chose to not participate in the hearing and has failed to establish that the conduct for which Ms. Woodbeck was discharged was disqualifying misconduct. Benefits are allowed.

**DECISION:**

The October 29, 2020, (reference 01) unemployment insurance decision is reversed. Ms. Woodbeck was discharged from employment for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.



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February 1, 2021  
Decision Dated and Mailed

dz/mh