

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GIANJE V RUE
Claimant

APPEAL NO. 13A-UI-06715-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLEN MEMORIAL HOSPITAL
Employer

OC: 05/12/13
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 10, 2013, reference 01, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on July 10, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Steve Sesterhenn participated in the hearing on behalf of the employer with a witness, Rita Borrett.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked full time for the employer as a patient care technician from October 17, 2004, to May 9, 2013. She was informed and understood that one of her job duties was to weigh patients and accurately record their weights in their charts. Having accurate weighs is essential because drug dosages are often based on the patient's weight and weight fluctuation can be signs of a medical issue. Rita Borrett was her supervisor.

In late April 2013, a patient developed congestive heart failure. While reviewing the patient's chart, Borrett discovered the claimant had recorded exactly the same weight for the patient (97 kilograms—213 pounds 13.5 ounces) on April 15, 16, and 23, which was the same weight as was recorded for the patient at admission. Weights recorded by other patient techs fluctuated, which would be expected as a person's weight from day to day is rarely exactly the same. Borrett concluded the claimant was recording the admission weight instead of a scale weight.

Borrett conducted an investigation that included the claimant and the other patient techs. She discovered that from March through May 2013, the claimant had on more than 25 occasions recorded the exact same weights for patients as the admission weight.

The only possible explanation is that the claimant repeatedly recorded what was on the chart as the admission weight and did not record a scale weight for the patient. This would be a deliberate falsification of the patient chart.

On May 9, 2013, the employer discharged the claimant for failing to accurately record patient's weights.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law.

The unemployment insurance law disqualifies claimants discharged for work-connected misconduct. Iowa Code § 96.5-2-a. The rules define misconduct as (1) deliberate acts or omissions by a worker that materially breach the duties and obligations arising out of the contract of employment, (2) deliberate violations or disregard of standards of behavior that the employer has the right to expect of employees, or (3) carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design. 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 misconduct within the meaning of the statute. 871 IAC 24.32(1).

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant insisted that she weighed the patients and accurately reported their scale weights. The problem is that it would be impossible for the patients to weigh the exact same weight each time. The only explanation is the claimant was recording the weight from a source other than the scale, such as the weight at admission.

The claimant's conduct was a willful and material breach of the duties and obligations to the employer and a substantial disregard of the standards of behavior the employer had the right to expect of the claimant. Work-connected misconduct as defined by the unemployment insurance law has been established in this case.

DECISION:

The unemployment insurance decision dated July 10, 2013, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs