

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE D POTTER
Claimant

APPEAL NO. 08A-UI-06001-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FOUR OAKS INC OF IOWA
Employer

**OC: 06/01/08 R: 03
Claimant: Respondent (2)**

Section 96.5(2)a – Discharge for Misconduct
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Four Oaks, Inc. of Iowa filed an appeal from a representative's decision dated June 20, 2008, reference 01, which held that no disqualification would be imposed regarding Jamie Potter's separation from employment. After due notice was issued, a hearing was held by telephone on July 15, 2008. The employer participated by Karen Bruess, Vice President for Human Resources; Marie Connor, Program Manager; and Sheila Gardner, Nurse Clinician. Exhibits One and Two were admitted on the employer's behalf. Ms. Potter did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Potter was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Potter was employed by Four Oaks, Inc. of Iowa from January 29, 2007 until April 23, 2008. At the time of separation, she was working full time as a health services data specialist. She was discharged after the employer learned that she failed to follow the proper procedure for administering medications to a client.

The client at issue, Elizabeth, takes 600 mg of lithium in the morning and 900 mg of lithium in the evening. The correct dosages are listed in the medication log maintained for Elizabeth, which is on the medication cart when medications are dispensed. Each lithium pill is marked by the manufacturer as to its dosage. Due to a pharmacy error, two trays were prepared for Elizabeth on or about April 14, 2008 and both trays were marked as morning medications. Ms. Potter administered the medications to Elizabeth from both trays, which meant she received a double dosage of lithium each morning.

By the time the error was discovered on or about April 21, Elizabeth had received a double dose of lithium each morning for four days, all administered by Ms. Potter. Elizabeth was taken to the

emergency room but only suffered an upset stomach as a result of the overdose. The employer met with Ms. Potter on April 22 to discuss the errors. It was the employer's intention to only give her a written warning. However, because she would not acknowledge her responsibility for the errors, the decision was made to discharge her from the employment.

Ms. Potter filed a claim for job insurance benefits effective June 1, 2008. She has received a total of \$1,570.00 in benefits since filing the claim.

REASONING AND CONCLUSIONS OF LAW:

An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Ms. Potter was discharged as a result of medication errors. The errors occurred because she failed to consult the medication log to make sure the medication being administered was correct and in the proper dosage. If she had done so, she would have known that Elizabeth was not to have two 600 mg tablets of lithium each morning. If the error had occurred only once, the administrative law judge would be inclined to view it as an isolated instance of negligence. However, the error was repeated on four consecutive days.

The training Ms. Potter received on how to administer medications provided sufficient safeguards to avoid medication errors. Such errors have the potential of adversely affecting the health and well-being of individuals in the employer's care, resulting in legal liability for the employer. Ms. Potter's failure to follow established procedures for administering medications constituted a substantial disregard for the employer's interests and standards. For the reasons cited herein, it is concluded that disqualifying misconduct has been established by the evidence. Accordingly, benefits are denied.

Ms. Potter has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated June 20, 2008, reference 01, is hereby reversed. Ms. Potter was discharged for misconduct in connection with her employment. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Potter has been overpaid \$1,570.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw