

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARK C EASTRIDGE**  
Claimant

**APPEAL NO. 10A-UI-12599-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL IOWA HOSPITAL CORP**  
Employer

**OC: 08/08/10**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge  
871 IAC 24.32(1) – Definition of Misconduct

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated August 31, 2010, reference 01, that held he was discharged for misconduct on August 10, 2010, and that denied benefits. A telephone hearing was held on October 28, 2010. The claimant did not participate. Amanda Berger, HR Representative, and Matt Helgenson, Radiology Manager, participated for the employer.

**ISSUE:**

Whether the claimant was discharged for misconduct in connection with employment.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered the evidence in the record, finds: The claimant began employment on August 19, 2009, and last worked for the employer as a full-time X-ray technician on August 10, 2010. The employer issued the claimant written warnings for unprofessional conduct on June 29, and July 29, 2010.

The employer discharged the claimant on August 10 for unprofessional conduct and behavior for an incident that occurred on August 5 in light of prior warnings. The claimant pushed a patient transfer cart into a wall that caused the person pain. The claimant requested patient to make a transfer move knowing that she was not able to do so.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The administrative law judge concludes the employer has established that the claimant was discharged for misconduct in connection with employment on August 10, 2010, for repeated acts of unprofessional conduct and behavior.

The claimant knew the employer's policy and standards of behavior required due to prior warnings. The most recent incident for the same offense constitutes job disqualifying misconduct.

**DECISION:**

The department decision dated August 31, 2010, reference 01, is affirmed. The claimant was discharged for misconduct on August 10, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw