

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER WILLIAMS

Claimant

APPEAL NO. 09A-UI-18267-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOOD SAMARITAN SOCIETY INC

Employer

OC: 11/08/09

Claimant: Appellant (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Jennifer Williams filed an appeal from a representative's decision dated December 2, 2009, reference 01, which denied benefits based on her separation from Good Samaritan Society, Inc. After due notice was issued, a hearing was held by telephone on January 14, 2010. Ms. Williams participated personally. The employer participated by Janice Foote, Human Resources Coordinator.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Williams was employed by Good Samaritan Society, Inc. from March 26, 2002 until November 10, 2009. She was last employed full time as a CNA (certified nursing assistant) and CMA (certified medication aide). When Ms. Williams came on duty on November 9, 2009, she was advised that another CNA, Katrina, had failed to give medication to a resident. To prevent Katrina from getting into trouble, Ms. Williams threw away the medications that should have been administered.

Ms. Williams threw the unused medications in the garbage. The appropriate procedure is to return the items to the medication room. When confronted, Ms. Williams acknowledged that she had thrown the medications away to keep another individual from getting into trouble. She was discharged on November 10, 2009. The above matter was the sole reason for the separation.

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). For reasons that follow, the administrative law judge concludes that the

employer has satisfied its burden of proof in this matter. Ms. Williams was discharged because she discarded medication so that another aide would not get into trouble for failing to administer the medication to a resident. Her conduct was, in essence, dishonesty. By throwing away the medication, she was attempting to deceive the employer into believing it had actually been given when it had not.

Ms. Williams' actions had the potential of jeopardizing the resident's health and well-being as others might be led to believe she had received prescribed medication when she had not. As a CMA, she knew or should have known her actions were contrary to the employer's expectations. It is concluded that her dishonesty constituted a substantial disregard of the employer's standards and interests. As such, misconduct has been established and benefits are denied.

DECISION:

The representative's decision dated December 2, 2009, reference 01, is hereby affirmed. Ms. Williams was discharged by Good Samaritan Society, Inc. on November 10, 2009 for disqualifying misconduct. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css