

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MOLLY J DALY**  
Claimant

**APPEAL NO. 08A-UI-03374-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GREAT RIVER MEDICAL CENTER**  
Employer

**OC: 03/16/08 R: 04  
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Molly Daly filed an appeal from a representative's decision dated April 4, 2008, reference 01, which denied benefits based upon her separation from Great River Medical Center. After due notice was issued, a hearing was held by telephone on April 21, 2008. Ms. Daly participated personally. The employer participated by Carrie Nudd and Karen Darnell. Exhibits One through Six were received into evidence.

**ISSUE:**

The issue in this matter is whether the claimant was discharged for misconduct.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from June 13, 2005 until March 14, 2008 when she was discharged for violating the hospital's confidentiality and HIPAA policies. Ms. Daly was employed as a part-time registration clerk and was paid by the hour. Her immediate supervisor was Karen Darnell.

The claimant was discharged when it came to the attention of the facility that she had provided confidential information regarding a patient that had been admitted to a person who is not authorized for non medical purposes. The claimant had been specifically warned by the employer regarding confidentiality and adherence to HIPAA in the past. The matter was brought to the attention of the hospital by a direct complaint made by the patient's spouse.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence establishes the claimant was discharged for misconduct in connection with her work. It does. The evidence in the record establishes the claimant was aware of the organization's confidentiality policies and its HIPAA requirements and was aware that she was not to disseminate any patient information to non authorized individuals or for non medical reasons. The claimant nevertheless supplied

information regarding a patient to an individual for non medical reasons in violation of the policies. As the claimant had been warned before, a decision was made to terminate her from employment.

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.

For the reasons stated herein, the administrative law judge concludes that the claimant was discharged for misconduct in connection with her work. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated April 14, 2008, reference 01, is hereby affirmed. The claimant was discharged for misconduct. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided that she is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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