

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA R HAUER
Claimant

APPEAL NO. 08A-UI-00899-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE EASTER SEAL SOCIETY OF IA INC
Employer

**OC: 01/06/08 R: 02
Claimant: Respondent (1)**

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated January 23, 2008, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on February 13, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Sara Hardy participated in the hearing on behalf of the employer. Exhibit One through Four were admitted into evidence at the hearing.

ISSUE:

Was the claimant discharged for work-connected misconduct?

FINDINGS OF FACT:

The claimant worked for the employer as an independent living specialist respite provider from August 18, 2004, to January 4, 2008. The claimant was informed and understood that one of her job duties was to promptly enter documentation of the progress of each client and services provided to each client into a database. This information was needed for the employer to obtain reimbursement for the services provided. Employees were required to enter information in the database within three days of providing services.

During the summer of 2007, there were problems with the computer at the location where the claimant worked that prevented her from entering information in the database on certain days. She complained to her supervisor about the problems but the problems persisted. She received a verbal warning on October 16, 2007, because there were some dates in July, August, and September for which she had not completed her documentation. These were dates when there were computer problems. She was given until October 22, to enter the missing notes.

On October 26, 2007, the claimant received a written warning and was placed on probation because she had failed to complete all documentation required by October 22. She was informed that she had until December 15 to get her documentation current. The claimant completed all the required documentation by the deadline.

The employer discharged the claimant on January 4, 2008, for failing to complete her required documentation in the timely fashion.

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.

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 employer has the burden to prove the claimant was discharged for work-connected misconduct as defined by the unemployment insurance law. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). The propriety of a discharge is not at issue in an unemployment insurance case. An employer may be justified in discharging an employee, but the employee's conduct may not amount to misconduct precluding the payment of unemployment compensation. The law limits disqualifying misconduct to substantial and willful wrongdoing or repeated carelessness or negligence that equals willful misconduct in culpability. Lee v. Employment Appeal Board, 616 N.W.2d 661, 665 (Iowa 2000).

No willful and substantial misconduct has been proven in this case. The missing documentation was due to computer problems that were not caused by the claimant. She had become current with her documentation by the deadline set by the employer.

DECISION:

The unemployment insurance decision dated January 23, 2008, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw