

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**AMANDA M BLAZEK
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**Appeal Number: 04A-UI-00206-CT
OC: 11/30/03 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 06.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Amanda Blazek filed an appeal from a representative's decision dated January 2, 2004, reference 01, which denied benefits based on her separation from Mercy Health Services. After due notice was issued, a hearing was held by telephone on January 29, 2004. Ms. Blazek participated personally and was represented by Richard Stochl, Attorney at Law. The employer participated by Lisa Heller, Human Resources Manager, and Jess Thronson, Residential Services Manager. The employer was represented by Mary Funk, Attorney at Law. Exhibits One through Seven were admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Blazek was employed by Mercy Medical Services from April 27, 2001 until December 1, 2003 as a full-time skill development specialist. She was discharged for falsifying a doctor's excuse.

At approximately noon on November 14, Ms. Blazek notified the employer that she would not be at work because she had a doctor's appointment. She was seen by Dr. Hayreh at 10:00 a.m. that day and left his office at approximately 11:15 a.m. She did not have any further medical appointments that day and was scheduled to be at work at 2:30 p.m. Between 12:30 and 1:30 p.m., Ms. Blazek was in contact with Becky Babcock and indicated that she had further testing scheduled for the day and was not sure when it would be concluded. She asked to have her supervisor call if she needed to come in. At approximately 5:00 p.m., Ms. Blazek was in contact with Sheila Kobliska and indicated that she was just on her way home from her appointment. She told Ms. Kobliska that she was not coming in because she was not feeling well.

On November 17, Ms. Blazek left her doctor's note for Jess Thronson. The note appeared to have been altered and, therefore, contact was made with Dr. Hayreh's office and a copy of the excuse Ms. Blazek had presented the employer was faxed to him. Dr. Hayreh confirmed on November 18 that the note had, in fact, been altered. He indicated that the note should have read that Ms. Blazek was in his office from "10 AM to 11 AM," not "10 AM to 4 PM" as was written on the one presented to the employer. The "11 AM" on Dr. Hayreh's original note had been altered by Ms. Blazek to read "4 PM." The numeral "4" in the time is clearly different from the "4" written by Dr. Hayreh in the date of "11/14/03" on the note.

The decision to discharge Ms. Blazek was made on November 18 after the conversation with Dr. Hayreh's office. She was off work at that time on the recommendation of her doctor. The employer was not able to meet with her until December 1 and she was discharged at that time.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Blazek was separated from employment for any disqualifying reason. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct in connection with the employment. The employer had the burden of proving disqualifying job misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Ms. Blazek was discharged because she altered a doctor's statement she presented to the employer to explain her absence of November 14. This case is not about whether she was justified in taking the day off or whether she had sufficient sick time to cover the absence. It is not even about whether she was required to present a doctor's statement. It is strictly an issue of whether she falsified the statement she did present.

It is clear to the administrative law judge that there has been an alteration of the doctor's statement. The administrative law judge is satisfied that the alteration was done by Ms. Blazek. It appears that the alteration was intended to corroborate the false statements she had made to Ms. Babcock and Ms. Kobliska. She had told Ms. Babcock between 12:30 and 1:30 p.m. that she was still receiving medical treatment when she was not. She had told Ms. Kobliska at approximately 5:00 p.m. that she was just on her way home from her appointment when her appointment had ended much earlier that morning. The employer had the right to expect

honestly from Ms. Blazek and she breached that obligation by altering the doctor's statement. Her conduct was clearly contrary to the standards an employer has the right to expect and constitutes substantial misconduct warranting a disqualification from job insurance benefits.

DECISION:

The representative's decision dated January 2, 2004, reference 01, is hereby affirmed. Ms. Blazek 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.

cfc/b