

DECISION DIGEST

Actual cases and rulings from Princeton Claims Management



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A Questionable Decision Made In “Good Faith” Is Not Misconduct

Background

A paramedic (employee) was discharged because he failed to follow the hospital’s communication policy during the transport of a patient to the emergency department. The paramedic is responsible for assessing a patient’s medical condition and communicating the findings to the command physician who issues orders for the patient’s treatment.

During the transport in question, the paramedic contended he made numerous attempts to call the command center, but was having trouble getting through because of sparse cell phone coverage. Since he was unable to reach the command physician, the paramedic said he did what he thought was best to stabilize the patient during transport. As the ambulance approached the hospital, the patient’s breathing worsened. The paramedic considered intubation, but decided against it because they were of close proximity to the hospital and it would have taken more time to intubate than unload the patient. By the time the patient was discharged from the ambulance, his condition was critical. He was immediately intubated by the command physician who questioned the paramedic’s care of the patient. The employer suspended the paramedic and following an investigation, he was terminated for jeopardizing patient care and safety and for failing to follow policy.

Process

The former employee (claimant) filed an unemployment claim and was held eligible for benefits without disqualification. The employer and its agent, Princeton Claims Management (PCM), disagreed with the determination and filed an appeal contending the claimant’s discharge constituted misconduct because he failed to follow policy related to patient care and safety.

The claimant, the employer’s witnesses and agent, Princeton Claims Management (PCM) appeared for the hearing. The claimant testified he had technical cell phone difficulties communicating with the command physician and had no choice, but to make a medical decision that he felt was in the best interest of the patient. He did not intentionally ignore the employer’s policies and did his best for the patient based on his experience and training. He further testified he did not intubate the patient due to time constraints and the close proximity to the emergency room. While he acknowledged that the patient had to be immediately intubated in the emergency room, he argued that no harm came to the patient, so he therefore did not jeopardize patient safety. The employer’s witnesses testified that their investigation did not support the claimant’s contentions about technical communication and equipment problems. They further found he had previous disciplinary warnings related to patient care. In view of these findings, the employer found his explanations not credible and terminated him for not meeting the performance standards expected of a professional employee who has significant patient care responsibilities.

Judgment

The Appeal Tribunal ruled that “while the employer was within its rights in discharging the claimant, this right does not necessarily establish misconduct” under N.J.S.A. 43:21-5(b). Since there was no evidence that the claimant improperly treated the patient, he is eligible for benefits without disqualification.

This case illustrates that there are times when an employer is within its right to discharge an employee for what they deem to be misconduct. However, NJ UI Law does not view it as such, particularly when the claimant’s actions are reasonable and made in “good faith.”

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