

DECISION DIGEST

Actual cases and rulings from Princeton Claims Management

MAY 2024

BEST INTENTIONS DO NOT EXCUSE MISCONDUCT

Background

A mental health technician who worked closely with adolescents was advised during orientation and annually that his interaction with patients was confidential, and he was therefore prohibited from accessing their information from their cell phones and/or social media accounts. While treating one of his young patients who was extremely depressed, the technician took it upon himself to access her social media to look for additional ways to help her. What he found on the page surprised him, as she was smiling and having a good time in videos posted to her Facebook page. He confronted her about it, and the patient stated that she did not want to talk about it. The patient was upset about the technician's invasion of her privacy and reported it to another tech, who then reported it to the manager.

The employer discharged the technician for his violation of company policy by accessing the patient's social media account and discussing it with her. Although the technician may have had good intentions, he acknowledged his actions were wrong and he apologized for the incident.

Process

The employee (claimant) filed a claim for UI (unemployment insurance) benefits after his discharge from work for violation of the employer's policy. He contended that he was only trying to help the claimant get through a hard time and had good intentions. He further acknowledged that he went outside the scope of his job and knew it was wrong. Although the deputy held him disqualified due to misconduct for a willful disregard of the employer's interests, he disagreed that he did anything willfully to harm the patient and filed an appeal.

The appellant claimant and the employer witnesses along with a representative from PCM appeared before the Appeal Tribunal to adjudicate the matter. The claimant argued that he did not deliberately try to harm the patient and should not be disqualified for misconduct. The employer agreed that he meant no harm to the patient but argued that he deliberately violated a policy, and he should have known better. The Appeal Tribunal examiner agreed with the employer and held the claimant disqualified.

Judgment

In their decision, the Appeal Tribunal examiner opined that the claimant knowingly violated company policy, which clearly constituted a willful disregard of the standards of behavior the employer had a right to expect. The employer's policy was lawfully designed with patients' best interest in mind, and the employee's intentional violation of that policy constituted misconduct connected to the work under N.J.S.A. 43:21-5(b).

This decision demonstrates that although the claimant may have had the best of intentions, his decision to breach the patient's privacy violated the employer's policy and rose to misconduct under NJ's UI Law.

For more information about Princeton Claims Management or unemployment insurance eligibility, please contact LuAnne Frascella at lfrascella@njha.com or Kathleen Henry at khenry@njha.com.