

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KRYSTAL M GIEBELSTEIN
Claimant

IOWA CVS PHARMACY LLC
Employer

APPEAL 14A-UI-12978-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/09/14
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 10, 2014, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 12, 2015. Claimant participated. Employer did not participate.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a pharmacy technician beginning in September 2013 through September 25, 2014 when she voluntarily quit.

The claimant quit because she was being required to fill prescriptions under an incorrect code number so that the prescription would be paid for by Medicaid. She complained to the pharmacy manager and was told that was the way the area manager wanted the situation handled. The claimant complained to all management that what she was being asked and required to do was illegal and unethical. When the employer continued to require her to engage in illegal behavior, she voluntarily quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.26(3) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(3) The claimant left due to unlawful working conditions.

The claimant was being required to engage in conduct she believed to be illegal. Her complaints to management went unaddressed and she was told to continue billing Medicaid under an incorrect code number so that they would pay for the prescription. The employer was requiring she engage in illegal conduct, thus her decision to voluntarily quit rather than engage in the prohibited conduct is good cause attributable to the employer for leaving the employment. Benefits are allowed.

DECISION:

The December 10, 2014 (reference 02) decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs