

**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**

**KRISTINE M MAAS  
611 NE TRILIEN  
ANKENY IA 50021**

**ANKENY HEALTH CARE ENTERPRISES  
SUNNY VIEW CARE CTR  
2800 UNIVERSITY AVE  
WEST DES MOINES IA 50266**

**Appeal Number: 05A-UI-00550-JTT  
OC: 08/08/04 R: 02  
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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kristine Maas filed a timely appeal from the January 14, 2005, reference 05, decision that denied benefits. After due notice was issued, a hearing was held on January 31, 2005. The claimant did participate. Sunny View Care Center participated through Kristen Canham, Administrator.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Maas was employed by Sunny View Care Center as a full-time Licensed Practical Nurse (L.P.N.) from October 1 through December 25, 2004, when she voluntarily quit the employment.

Prior to December 25, 2004, Ms. Maas was preparing to change her employment status with Sunny View from a full-time to an as-needed basis, so that she could further her nursing studies on a full-time basis. Ms. Maas did, in fact, commence her full-time studies on January 10, 2005. Though

Ms. Maas had discussed her proposed change in schedule with the person who did the scheduling for the nursing home staff, she had not discussed the matter with the nursing home administration.

On December 25, 2004, Ms. Maas was working as the charge nurse responsible for the front of the nursing home. Ms. Maas had agreed to work on Christmas Day on the condition that she was allowed to bring her seven and 12-year-old children to work with her. Registered Nurse Martha Anderson was the charge nurse responsible for the back of the facility. Nurse Anderson had many years' seniority as a nurse and at Sunny View. Ms. Maas decided that a particular nursing assistant should assist Ms. Maas at the front of the facility. The nursing assistant preferred to work at the back of the facility and managed to get Nurse Anderson to assign her to work in the back instead. Nurse Anderson telephoned Ms. Maas to advise of the change in the nursing assistant's assignment. Ms. Maas protested the re-assignment but Nurse Anderson did not reconsider.

Almost immediately, Ms. Maas lost her temper. She was enraged with the nursing assistant. She was enraged with Nurse Anderson over a perceived slight. She was enraged over a promised raise that she erroneously believed was overdue. Ms. Maas decided on the spot that she was fed up, that she was quitting that very moment, and that she was leaving the facility that very moment.

A clear-thinking medical assistant reminded Ms. Maas that if she left before the end of her shift she would be abandoning her nursing duties and could lose her license. Ms. Maas reconsidered for the moment but was soon just as enraged as she had been earlier. Ms. Maas decided she was going to leave for the day. She located the nursing assistant who had crossed her, tossed her keys at the nursing assistant, and instructed the nursing assistant to let Nurse Anderson know she could now be responsible for the entire care center.

Ms. Maas then called Administrator Canham, and told that administrator the following: "I want to leave. I'm done. I can't stand it here. I'm done. I don't feel I deserve to be treated this way." Administrator Canham persuaded Ms. Maas to stay until the administrator could secure another nurse to come in. That conversation ended. Shortly thereafter, Ms. Maas telephoned Administrator Canham a second time and said she wanted to "vent" so that she could focus on her shift. After a further airing of her complaints, Ms. Maas indicated she would work to the end of her shift. However, Ms. Maas advised Administrator Canham not to expect to see her the following day because she would not—indicating, once again, that she was quitting.

After the second telephone call to Administrator Canham, Ms. Maas became obsessed with the idea that the nursing assistant who had crossed her was now advising her co-workers that Ms. Maas had thrown the keys at her. Ms. Maas hunted down the nursing assistant, who was outside with a co-worker. Ms. Maas advised the nursing assistant to stop telling people that Ms. Maas threw the keys at her. The two women then exchanged abusive remarks. A physical altercation resulted during which Ms. Maas then physically attacked the nursing assistant and the nursing assistant threw a can of soda at Ms. Maas.

Ms. Maas then telephoned Administrator Canham a third time, and advised, "I'm done!"—thereby indicating for at least the third time that she was quitting the employment. The administrator told Ms. Maas to clock out and go home. The situation at the care center had escalated to such a level of chaos that an employee summoned the police. After Ms. Maas left the facility, someone called the facility and directed a death-threat toward the nursing assistant.

Ms. Maas continued to rage even after she was away from the facility. She continued her marathon tirade through her discussions with a co-worker. Ms. Maas was incensed that Administrator Canham had not conducted an internal investigation of the incident and had not discharged the nursing assistant for directing abusive language towards Ms. Maas and throwing the can of soda. Ms. Maas felt slighted by Administrator Canham. Despite the fact that Ms. Maas made it crystal clear on Christmas Day that she was quitting her job, Ms. Maas still expected Administrator Canham to contact her about further employment at the facility.

Administrator Canham had concluded after Ms. Maas quit on December 25 that since the instigator of the chaos at the facility on Christmas Day—Ms. Maas—was no longer associated with the facility, there was no need for further action in connection with the events of Christmas Day.

REASONING AND CONCLUSIONS OF LAW:

The question for the administrative law judge is whether the evidence in the record establishes that Ms. Maas' voluntary quit was for good cause attributable to the employer. It does not.

Iowa Code section 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.

Since Ms. Maas quit her job, Ms. Maas has the burden of proving that the quit was for good cause attributable to the employer, and that she is therefore entitled to benefits. See Iowa Code section 96.6(2).

The evidence establishes that Ms. Maas quit for several reasons. She quit due to dissatisfaction with the work environment. She quit because of an inability to work with other employees. She quit due to dissatisfaction with her wages. She quit because she was unhappy about working Christmas Day—even though she apparently volunteered to pick up the shift. Finally, Ms. Maas quit to go to school full-time. Not one of these reasons for quitting entitles Ms. Maas to unemployment insurance benefits. See 871 IAC 24.25(21), (6), (13), (18) and (26).

Based upon careful review of the evidence in the record and the applicable law, the administrative law judge concludes that Ms. Maas' voluntary quit was without good cause attributable to the employer. Accordingly, a disqualification will enter.

DECISION:

The Agency representative's decision dated January 14, 2005, reference 05, is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

jt/pjs