

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

PAMELA K UNDERWOOD
Claimant

APPEAL NO. 11A-UI-05186-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

**OC: 03/20/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 15, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 16, 2011. Claimant participated and was represented by Victoria Siegel, Attorney at Law. Employer participated by David Williams, TALX Hearing Representative and witnesses Sheila Moore, Business Office Manager and Donatta Ware, Director of Nurses. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 24, 2011. Claimant worked as a Social Service Coordinator. Employer changed claimant's job responsibility by removing claimant's referral responsibility. Claimant was then given a cell phone that she was asked to carry after hours to be on call. Claimant did not want to carry the cell phone and as a result the responsibility was removed from claimant. Claimant was to have a review March 13, 2011 to determine whether she would get a raise. Employer did not give claimant a review on time. The employer had until the end of the month to perform the review. Claimant quit before the end of the month.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a conflict with a supervisor and coworkers. Claimant did not lose her referral responsibility. Claimant was not required to carry a cell phone after hours. Since employer did not follow through with the changes these are not significant changes in the contract of hire. The employer still had time to perform the job review when claimant quit.

Claimant quit due to dissatisfaction with the work environment. This is not good cause attributable to employer for a quit. Benefits withheld.

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.

871 IAC 24.25(21) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

DECISION:

The decision of the representative dated April 15, 2011, reference 01, is affirmed. Unemployment insurance benefits are withheld.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css