

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SUZANNE WUBBENA**  
Claimant

**APPEAL NO: 18A-UI-06834-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EMPLOYMENT SERVICES**  
Employer

**OC: 10/15/17**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 21, 2018, reference 04, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 11, 2018. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time activities director for Heartland Employment Services, LLC last assigned to Manor Care from November 19, 2017 to June 1, 2018. She voluntarily left her employment when the administrator resigned and the Director of Nursing (DON) became the interim administrator.

The claimant did not know if she would be able to perform the job when she accepted it and was upset to learn her assistant was suspended the first week of the claimant's employment. Her assistant was also assigned to payroll and when she returned from suspension she said she could work 10 hours per week in the activity department and the claimant did not think that was enough.

The claimant had a conflict with the DON and when the administrator resigned June 1, 2018, and the DON was named interim administrator, the claimant did not think she could work with her. The administrator did not come in to work June 1, 2018, her last scheduled day before her resignation took place and the DON began cleaning out her office and throwing things away. The claimant did not think she should be doing so and texted the administrator to tell her what the DON was doing. The administrator texted the DON and asked her to stop and the DON called a staff meeting at 2:00 p.m. and demanded to know who "stabbed (her) in the back." The

claimant waited until everyone else left the room and then admitted she texted the administrator about the office situation. The DON stated she would never trust the claimant again. The claimant began shaking and felt discomfort in her chest but did not see a doctor. Based on observing and hearing about the DON's interactions with others in the past, she decided she could not work with the DON and went to human resources and submitted her resignation effective immediately.

The claimant did not seek further assignment from Heartland Employment Service, LLC within three working days after completing her assignment with Manor Care.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant did not like the DON and objected to her interactions with other staff members. Consequently, when the DON was named interim administrator June 1, 2018, the claimant decided to resign rather than try to work with the DON. The claimant did not wait to see how the DON would perform as the acting administrator but based her decision to quit on the fact the administrator left and her disapproval of the DON's actions in the past. The claimant testified the DON had various employees disciplined and/or suspended but the claimant had not faced any disciplinary action or a suspension.

The claimant anticipated she would have difficulty working with the DON before any issues arose between the claimant and the DON. The claimant was also upset about not having enough help in the activities department and chose to resign due to those two issues.

While the claimant was dissatisfied with the working environment, she has not demonstrated that her leaving was for unlawful, intolerable or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

Finally, the claimant did not seek further work with Heartland Employment Services, LLC within three working days of the completion of her assignment, as is required by Heartland policy.

**DECISION:**

The June 21, 2018, reference 04, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer and failed to seek reassignment with Heartland Employment Services, LLC within three business days, as required by Heartland policy. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn