

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

ANNA M KAYSER  
706 MAXWELTON DR  
DES MOINES IA 50315

CENTRAL IOWA HOSPITAL CORP  
c/o HUMAN RESOURCES  
1313 HIGH ST STE 111  
DES MOINES IA 50309-3119

Appeal Number: 04A-UI-11288-HT  
OC: 09/26/04 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, 4<sup>th</sup> 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.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The claimant, Anna Kayser, filed an appeal from a decision dated October 11, 2004, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 10, 2004. The claimant participated on her own behalf. The employer, Central Iowa Hospital Corporation (CIHC), participated by Human Resources Business Partner Cindy Fullerton and Department Supervisor Tim Runkle.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Anna Kayser was employed by CIHC from July 30, 2002 until September 24, 2004. She was a full-time cardiology technician. The cardiology department had been somewhat short staffed due to one employee being on medical leave, and Ms. Kayser felt over loaded with work and made comments to this effect to Department Supervisor Tim Runkle.

On September 23, 2004, the claimant walked into a conference room where Mr. Runkle was in a meeting with a vendor and announced she was quitting. She punched out before the supervisor caught with her and when he did, he asked her to go to human resources and talk to Business Partner Cindy Fullerton. Ms. Kayser did this and complained about another employee whom she felt was harassing her. At this time the claimant still had the pager for the lab and Mr. Runkle paged her to return it. When she did so, the two of them discussed the situation and she asked if she could return to the lab. He agreed, then talked to Ms. Fullerton, who told him to send the claimant home for the rest of the day on paid leave. She had never punched back in and so left immediately.

The claimant returned to work on September 24, 2004, at which time she was told the employer had accepted her resignation and she signed a termination report stating she had resigned for job abandonment.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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.

The claimant maintains she was discharged but the record does not support this contention. She said she quit, she did not withdraw her resignation, and the employer accepted it after consulting with human resources. Her reasons for quitting appear to have been based on the temporary staff shortages, which were increasing the workload, and her belief she was being harassed by another employee. Ms. Kayser did not complain about the harassment to human resources until after she had already resigned. This did not give the employer a reasonable opportunity to address the concerns and therefore does not constitute good cause attributable to the employer under Swanson v. EAB, 554 N.W.2d 294 (Iowa App. 1996). The claimant is disqualified.

#### DECISION:

The representative's decision of October 11, 2004, reference 01, is affirmed. Anna Kayser is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

bgh/b