

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBRA L MORRISSEY
Claimant

APPEAL 22A-UCFE-00014-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

VA CENTRAL IA HEALTHCARE
Employer

**OC: 11/28/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the February 16, 2022 (reference 02) unemployment insurance decision that denied benefits finding claimant voluntarily quit on January 3, 2022 because she was dissatisfied with work conditions. The parties were properly notified of the hearing. A telephone hearing was held on March 31, 2022. Claimant participated. Employer participated through Stephanie Fangmann, Human Resources Specialist. Claimant's Exhibits 1 – 3 were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant was employed as a full-time Registered Nurse from February 3, 2020 until her employment with VA Central Iowa Healthcare ended on January 3, 2022. Claimant worked as an Inpatient Float Registered Nurse until January 3, 2022; Michael Myers, Nurse Manager, was claimant's direct supervisor. Claimant had issues with Myers throughout her employment. Claimant brought these issues to employer's attention.

Claimant's job as a floating nurse required her to work directly with patients who were violent and suffering from mental illness. This caused claimant to have night terrors and flashbacks related to her personal history as a victim of domestic violence.

As a result of these issues, claimant requested a reasonable accommodation from employer. Employer ultimately granted claimant's request but the process took up to 90 days. The accommodation consisted of transferring claimant to a full-time Telehealth Nurse position under the supervision of a new nurse manager, Jenny Roth. The telehealth position eliminated claimant's direct contact with the patients who had triggered her night terrors and flashbacks and provided her with a new direct supervisor.

On January 3, 2022, claimant reported to work for her new position. Roth arrived late and did not greet claimant in the friendly manner claimant expected. Roth provided claimant with a copy of the Code of Conduct and Leave Policy and explained employer's policies regarding working from home. Roth directed claimant to complete training in an office and then told claimant that the office door needed to stay open. Claimant found Roth's manner rude and demeaning. Three and a half hours into her shift, claimant quit effective immediately. Claimant did not notify employer that she found the accommodation unreasonable or report any issues with Roth's supervision.

Employer had continuing work available work for claimant if she had not quit. Claimant's job was in jeopardy due to absenteeism.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). The standard of what a reasonable person would have believed under the circumstances is applied in determining whether a claimant left work voluntarily with good cause attributable to the employer. *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

Where a claimant gives numerous reasons for leaving employment the agency is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining any of those reasons constitute good cause attributable to the employer. *Taylor v. Iowa Dep't of Job Serv.*, 362 N.W.2d 534 (Iowa 1985).

Iowa Admin. Code r. 871-24.25(21), (22) provide:

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.
- (22) The claimant left because of a personality conflict with the supervisor.

Iowa Admin. Code r. 871-24.26(4) 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:

- (4) The claimant left due to intolerable or detrimental working conditions.

Claimant's verbal resignation is both evidence of her intention to sever the employment relationship and an overt act of carrying out her intention. Claimant voluntarily quit her employment. Claimant provided multiple reasons for quitting, including prior issues with Myers's supervision, negative effects of working directly with patients who were violent and mentally ill, and issues with Roth's supervision.

The first two issues were resolved through a reasonable accommodation that both provided claimant with a different supervisor and eliminated claimant's direct contact with patients who were violent or suffering from mental illness. The "final straw" that caused claimant to quit was her brief interaction with her new supervisor. There is no evidence that Roth was hostile, rude and demeaning – only that claimant perceived her as such. Claimant has not established that Roth created intolerable or detrimental working conditions during the short time claimant worked at her new position. While claimant may have quit for good personal reasons, she has not met her burden of proving she quit for good cause attributable to employer. Benefits are denied.

DECISION:

The February 16, 2022 (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

April 14, 2022
Decision Dated and Mailed

acw/ACW