

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**KATHLEEN M PINKERTON**  
Claimant

**IOWA HOME CARE LLC**  
Employer

**APPEAL NO. 14A-UI-07547-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/29/14  
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 17, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 13, 2014. Claimant participated. Employer participated by Shelly Hill. Claimant's Exhibits 1-2 and Employer's Exhibits A-C were 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 June 3, 2014. Claimant submitted a resignation to her employer on May 22, 2014. In her letter of resignation, claimant offered reasons that were based on her daughter's need for home health care, and her own medical needs that had increased a great deal since the date of her hiring.

At the hearing claimant stated that her real reasons for leaving were based on the employer hiring claimant to work almost entirely out of Marshalltown when she was based out of Boone. Claimant said that she had no Boone clients at all, and was paid at a lower rate than she was promised. Employer stated that the pay rates are set out clearly to delineate between evaluation visits and regular visits. Employer additionally stated that the places of employment were clearly framed as the Boone/Marshalltown area.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(30) 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 § 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 § 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:

(30) The claimant left due to the commuting distance to the job; however, the claimant was aware of the distance when hired.

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 her health concerns. Although claimant states that she was concerned about both her level of travel and her level of pay, employer explained that the job title clearly indicated that travel throughout the Boone / Marshalltown area would be required, and employer additionally stated that payment was clearly laid out at time of hire.

The administrative law judge cannot overlook the resignation document submitted by claimant. When that document clearly sets out reasons that anyone might have for ending their employment, the reasons offered during the phone hearing did not convey near the importance or rise to the level of concern of the reasons originally stated in her resignation letter. As such, the reasons for claimants voluntary quit are not seen as for good cause attributable to employer.

#### **DECISION:**

The decision of the representative dated July 17, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld 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.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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