IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

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

ELIZABETH A JONES
Claimant

CARE INITIATIVES
Employer

APPEAL NO: 10A-UI-12981-DT

ADMINISTRATIVE LAW JUDGE DECISION

OC: 08/15/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Elizabeth A. Jones (claimant) appealed a representative's September 10, 2010 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Care Initiatives (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 3, 2010. The claimant participated in the hearing. Josh Burrows of TALX Employer Services appeared on the employer's behalf and presented testimony from one witness, Amanda Schiltz. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on July 29, 1987. She worked full time as a cook at the employer's Oskaloosa, Iowa nursing home. Her last day of work was June 24, 2010. She voluntarily quit as of that date, having submitted her resignation on May 11. Her stated reasons for leaving were "personal," and thinking about returning to school and to further her career options and opportunities. Her unstated reason for quitting was she felt she was suffering from too much stress due to problems she had been having with the facility's administrator.

The claimant felt uncomfortable because of a situation in January or February 2010 where the administrator thought the claimant was intoxicated; the claimant consented to Ms. Schiltz, the dietary supervisor, searching her car to assist in proving that her issues were not alcohol related. She was subsequently taken to the hospital and it was determined she was suffering an episode of high blood pressure; further tests indicated that at some undetermined time the claimant had suffered a heart attack. However, no doctor advised the claimant that she should quit or that her work was causing or aggravating her condition.

On April 28 the employer gave the claimant a final warning and three-day suspension for serving undercooked meat and admittedly failing to check the temperature before serving. The claimant submitted her resignation about three days after returning from the suspension. However, at that time the claimant was not under any further investigation or discipline and could have continued in her employment had she not submitted her resignation.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (22). Quitting because a reprimand or other discipline has been given is not good cause. 871 IAC 24.25(28). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973).

Under some circumstances, a quit for medical or health reasons is attributable to the employer. Iowa Code § 96.5-1. Where factors and circumstances directly connected with the employment caused or aggravated an employee's illness, injury, allergy, or disease, this can be good cause for quitting attributable to the employer. 871 IAC 24.26(6)b. However, in order for this good cause to be found, prior to quitting the employee must present competent evidence showing adequate health reasons to justify ending the employment, and before quitting must have informed the employer of the work-related health problem and inform the employer that the employee intends to quit unless the problem is corrected or the employee is reasonably accommodated. 871 IAC 24.26(6)b

The claimant has not presented competent evidence showing adequate health reasons to justify her quitting. Further, before quitting the claimant did not inform the employer of any claimed work-related health problem and inform the employer that she intended to quit unless the problem was corrected or reasonably accommodated.

The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's September 10, 2010 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of June 24, 2010, benefits are withheld until such time as the claimant 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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Lynette A. F. Donner
Administrative Law Judge

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Decision Dated and Mailed

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