

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLI A CSADER
Claimant

APPEAL NO. 14A-UI-03193-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

BROADLAWNS MEDICAL CENTER
Employer

OC: 03/02/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated March 19, 2014, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on April 15, 2014, by telephone conference call. The claimant participated personally. Tia Stanton was a witness for the claimant. Employer participated by Julie Kilgore, Vice President of Human Resources, and Karla Spad, Patient Financial Services Manager. Claimant's Exhibits A-WW were received into evidence. Employer's Exhibits 1-5 were received into evidence.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a health care provider. The claimant was hired in July 2002. Her last day of actual work was February 21, 2014. She resigned her position effective February 26, 2014. The employer accepted the claimant's resignation effective February 26, 2014. (Exhibit 1).

The claimant resigned her job because she felt that she could not meet the requirements of her job. Approximately four months before the claimant resigned, she was given the job of AR representative. The claimant was responsible for Iowa Care/Medicaid follow-up. The claimant believed that she was not given sufficient training in order for her to perform the job. The employer did provide the necessary training but the claimant still had questions and she felt that her questions were not being answered. The claimant received a job evaluation on January 14, 2014, which indicated that she was meeting job expectations on a continuing basis. The claimant resigned because she had depression and anxiety over her job and upon recommendation of her physician.

REASONING AND CONCLUSIONS OF LAW:

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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The claimant is not eligible for unemployment insurance benefits. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code section 96.6-2. She voluntarily quit her employment on February 26, 2014, because of depression and anxiety over her job performance. Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

The evidence provided by the claimant does not rise to an intolerable or detrimental work environment. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973). As an initial observation, the claimant did not give prior notification that she intended to quit for medical reasons. As a result, the employer did not have the opportunity to correct the situation or determine what type of accommodation needed to be made. In addition, the claimant has failed to show that she quit for intolerable or detrimental working conditions. The employer provided credible testimony that the claimant had received the necessary training and that additional support had been provided for the claimant to ask questions. It is not at all unusual that having new job responsibilities can cause stress while one learns the job. The claimant did appear to have some problems "catching on". However, the claimant was doing her job to the employer's satisfaction and there was no intent to terminate her. Her job was not in jeopardy. The claimant quit for personal reasons and her personal reasons are not good cause attributable to the employer. Benefits are denied.

DECISION:

The decision of the representative dated March 19, 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 benefits amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css