

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MORGAN L TAYLOR TRUSTY**  
Claimant

**APPEAL 21A-UI-06805-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SELECT MEDICAL CORPORATION**  
Employer

**OC: 03/15/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 24, 2021, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on May 13, 2021. Claimant Morgan L. Taylor-Trusty participated and testified. Employer Select Medical Corporation participated through assistant center manager Whitney Boulden and was represented by hearing representative Thomas Kuiper. Claimant's Exhibit A was received. Employer's Exhibit 1 was received.

**ISSUE:**

Did claimant voluntarily quit the employment with 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 full-time as a patient service specialist from September 9, 2018, until October 25, 2019, when she quit.

On October 9, 2019, the claimant submitted her written resignation by email to her supervisor Darcy Palen and Whitney Boulden. The claimant's last day of work was October 25, 2019. The claimant did not provide a reason to the employer regarding her resignation.

The claimant left her employment because she was unhappy working with Boulden. She felt that Boulden treated her harshly on occasion, but was always kind to the patients. The claimant also had missed some work due to a recent illness and her honeymoon and the employer gave her a written warning the morning before she submitted her resignation. The claimant also mistakenly received text messages between Palen and Boulden discussing the claimant and how she did not look like she felt well and did not look like she wanted to be at work.

The claimant spoke to Palen about issues she had with Boulden but she encouraged her to try hard to work together since they were the only two in the office most days. The claimant could have brought her concerns to Palen's supervisor, but she did not do so.

Claimant's job was not in jeopardy and continuing work was available if she had not resigned.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 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 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.

(28) The claimant left after being reprimanded.

The 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). 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).

The claimant's written resignation is both evidence of her intention to sever the employment relationship and an overt act of carrying out her intention. Here, the claimant failed to establish her leaving was for good cause. Claimant did not like the way Boulden lashed out at her on occasion and was not happy that she was disciplined for missing work. While claimant did mention the concerns with Boulden to her supervisor, she did not escalate those concerns when they were not addressed, nor did she bring up any concerns with Palen's supervisor regarding the written warning she received. Given the facts of this case claimant has failed to prove that under the same circumstances a reasonable person would feel compelled to resign. Rather, the circumstances in this case seem to align with the conclusion that claimant was unable to work

with Boulden and that claimant was dissatisfied with the written warning and her work environment in general. These are not good cause reasons attributable to the employer for claimant to have quit. While the claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The February 24, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she 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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Stephanie Adkisson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

May 24, 2021  
Decision Dated and Mailed

sa/ol

**Note to Claimant:**

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.