

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRITTANY WEATHERSBY
Claimant

CARE INITIATIVES
Employer

APPEAL 19A-UI-09600-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/10/19
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Brittany Weathersby (claimant) appealed a representative's December 2, 2019, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with Care Initiatives (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 3, 2020. The claimant participated personally. The employer was represented by Alyce Smolsky, Hearings Representative, and participated by Rachel Bowser, Administrator, and Paulette Jacobson, Director of Nursing.

The claimant offered and Exhibit A was received into evidence. The employer offered and Exhibit One was received into evidence. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 22, 2017, as a full-time certified nursing assistant.

On October 13, 2019, the claimant was scheduled to work with a co-worker. The co-worker did not work her entire shift and the claimant found someone to work the remainder of her hours. The claimant did not like the co-worker's behavior of leaving and not helping others. She remembers complaining to the employer. The employer investigated and spoke with the co-worker. The co-worker learned what the employer was expecting from her. The claimant was not privy to the employer's business decisions.

On October 25, 2019, the claimant was scheduled to work with the co-worker for the first time since October 13, 2019. When she arrived at work the claimant discovered the two were working together. She sent a text to the employer stating, "So I love my job but I quit. I can't. I

don't even see how she still has her job." The Director of Nursing responded, asking her not to quit. The claimant said, "I can't do it and I can't work for a company like this". Continued work was available for the claimant had she not quit work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 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 intention to voluntarily leave work was evidenced by the claimant's actions. The claimant told the employer she was quitting and stopped appearing for work. She quit work because she did not like the employer's business decisions. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's December 2, 2019, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn