

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAWN M ULRICH
Claimant

APPEAL NO. 15A-UI-07685-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 06/21/15
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Dawn Ulrich (claimant) appealed a representative's July 2, 2015, decision (reference 01) that concluded her was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Care Initiatives (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 4, 2015. The claimant participated personally. The employer was represented by Alyce Smolsky, Hearings Representative, and participated by Lisa Even, Human Resources Coordinator. The employer offered and Exhibit One was received into evidence.

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 29, 2013, as a full-time certified nursing aid. At the time clock there was a sign telling employees the compliance hotline number. Employees with concerns about their working environment could speak to someone in human resources or call the hotline number. The claimant did not like her work environment. Co-workers would disappear when they were supposed to be working. She mentioned this to the nurse supervisors on the shift but the claimant did not see co-workers being reprimanded and nothing changed. The claimant felt the workplace was under bad management. She did not call the hotline, speak to someone in human resources, or address the issues with the director or assistant director of nursing.

The claimant's mother, who lived in Wisconsin, became ill. On June 1, 2015, the claimant gave the employer her two-week notice of resignation. The employer understood she was quitting to move to Wisconsin. The claimant worked her last day on June 12, 2015, and moved to Wisconsin in the middle of June 2015. The claimant continues to care for her mother. Continued work was available had the claimant not resigned.

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 § 96.5(1)c 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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

Iowa Admin. Code r. 871-24.28(8) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(8) The claimant voluntarily left employment. However, there shall be no disqualification under § 96.5(1) if a decision on this same separation has been made on a prior claim by the employment appeal board and such decision has become final.

The claimant left work to take care of her mother who was ill. The claimant's mother has not sufficiently recovered and the claimant has not returned to and offered her services to the employer. The claimant has failed to meet the requirements of the statute.

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(2) and (21) provide:

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:

(2) The claimant moved to a different locality.

(21) The claimant left because of dissatisfaction with the work environment.

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 her words and actions. She told the employer she was leaving and quit work. When an employee quits work because she does not like the work environment and is moving to a different location, her leaving is without good cause attributable to the employer. The claimant left work because she did not like her work environment and moved to Wisconsin. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's July 2, 2015, 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/css