

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**KAYLA S HAWKINS
528 PLEASANT ST
VAN METER IA 50261**

**PRIMARY HEALTH CARE INC
2353 SE 14TH ST
DES MOINES IA 50320**

**Appeal Number: 05A-UI-12147-LT
OC: 10-30-05 R: 02
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

Employer filed a timely appeal from the November 21, 2005, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on December 15, 2005. Claimant did participate. Employer did participate through Angie Knoblauch. Claimant's Exhibit A was received. Employer's Exhibit 1 was received. The administrative law judge took judicial notice of the administrative record.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant (formerly know as Fountas) was employed as a full-time clinic manager from December 1999 through October 20, 2005, when she quit. Claimant was hired to manage the clinics and only

go to Bobbretta Brewton, direct supervisor and outreach director (not clinical supervisor), with questions. Brewton gradually inserted herself into day-to-day clinic management.

She made verbal requests in May 2005 and written requests in August 2005 for help from Angie Knoblauch, operations director, with problems she was having with her direct supervisor and outreach director, Bobbretta Brewton, about being micromanaged and controlled. Knoblauch said she would visit the situation and would "work on something."

Brewton scheduled meetings for claimant without consulting her or her work schedule; required a staff meeting be held in a patient waiting area in spite of claimant's and other managers' protest about confidentiality; sent out duplicate e-mails already received from the director; interfered with clinical decisions which were to be made by claimant under the guidance of Dr. Walter; and instructed claimant to complete a questionnaire about a facility for which she had no responsibility or control. (Claimant's Exhibit A)

After multiple e-mails and a meeting with Knoblauch on September 22, claimant thought a meeting would be scheduled with the executive director, Kelly Huntsman, and Brewton and finally a meeting would be held including claimant. (Employer's Exhibit 1, Attachment A)

Two weeks later in the exit interview Knoblauch told claimant the meetings were never held because John Shanahan of Holmes Murphy (human resources department outsource administrator) had another plan to have claimant communicate directly with Brewton about her concerns first, but no one informed claimant of the change in plan. During this delay, the relationship became tenser and more intimidating since Brewton expressed she did not think claimant was doing her job correctly by increasing the level of "micromanagement".

Finally, after two months without resolution or communication of a plan for resolution, claimant wrote an initial letter of resignation on October 5 and on October 11 provided more detail of her reasons for resigning.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with 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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

While claimant's experience in her work environment may not have been "hostile" according to federal standards, they were intolerable and/or detrimental pursuant to unemployment insurance benefits regulations. This decision to quit rose above a mere personality conflict with a supervisor. Brewton's conduct adversely affected claimant's clinical decision-making authority, which was supposed to be supervised by Dr. Walter; claimant's protection of staff and patient confidentiality; and was detrimental to the efficiency of day-to-day basic clinic workflow decisions. Claimant gave more than adequate notice to Knoblauch about her concerns beginning in early August 2005 and continuing through the resignation notice date of October 5, 2005. Knoblauch's unreasonable delay in either addressing and resolving the matter or communicating honestly and directly with claimant about the delay renders claimant's separation with good cause attributable to the employer. Benefits are allowed.

DECISION:

The November 21, 2005, reference 01, decision is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

dml/kjw