

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

MEGAN M GEILENKIRCHEN
618 – 11TH ST
AMES IA 50010

EMC LLC
13795 S MUR-LEN #301
OLATHE KS 66062

Appeal Number: 05A-UI-02085-CT
OC: 01/23/05 R: 02
Claimant: Appellant (2)

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)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Megan Geilenkirchen filed an appeal from a representative's decision dated February 24, 2005, reference 01, which denied benefits based on her separation from EMC. After due notice was issued, a hearing was held by telephone on March 15, 2005. Ms. Geilenkirchen participated personally. The employer did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Geilenkirchen was employed by EMC from January of

2004 until January 18, 2005. The employer provides assisted living for elderly residents. Ms. Geilenkirchen was hired to direct one of the residential units. She voluntarily quit the employment because she did not have the staff she was supposed to have and because of an increased workload. Ms. Geilenkirchen was to have either a community relations director or an assistant director to assist her with her operations. Her assistant left in October but she was not given authorization to replace her until approximately November 29. There were periods when Ms. Geilenkirchen's cottage was without a cook. When positions were vacant, she had to perform the duties herself. She frequently asked the employer for additional help because the numbers of hours she was working was creating stress for her.

In June or July, Ms. Geilenkirchen became responsible for performing marketing to increase occupancy. She became frustrated by the frequent changes in what the employer expected of her in terms of marketing. The amount of time she was expected to be away from the facility to perform marketing was frequently changed. In August, when she had a community relations director, Ms. Geilenkirchen was expected to make 10 to 15 contacts each week. On January 5, when she had no community relations person, Ms. Geilenkirchen was told she was expected to make 25 contacts each week. On January 7, she was told she was to make 15 contacts each week.

Ms. Geilenkirchen submitted her written resignation on January 12. The employer did not respond to any of the issues raised by the letter. Ms. Geilenkirchen left the employment on January 18, 2005.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Geilenkirchen was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Geilenkirchen quit because she was not given the assistance she needed to perform her job and because of frequently changing expectations of her. She was required to perform work for which she was not hired because of lack of staff. Having to perform work that should have been performed by others as well as doing her own work necessarily increased the number of hours Ms. Geilenkirchen had to put in. The employer's frequent changes in what was expected of Ms. Geilenkirchen in terms of marketing added to the frustrations she was already experiencing due to lack of adequate staff.

The employer was on notice as to the problems Ms. Geilenkirchen was experiencing but did not take steps to alleviate or eliminate those problems. The administrative law judge concludes that the resulting stress for Ms. Geilenkirchen constituted good cause attributable to the employer for quitting. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated February 24, 2005, reference 01, is hereby reversed. Ms. Geilenkirchen voluntarily quit her employment with EMC for good cause attributable to the employer. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjf