IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

HOLLIE M LANTZ GUSHANAS Claimant **HEARTLAND HEALTHCARE INC** Employer	**APPEAL 17A-UI-10345-LJ-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 09/17/17** **Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 5, 2017 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit working for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on October 26, 2017. The claimant, Hollie M. Lantz Gushanas, participated. The employer, Heartland Healthcare, Inc., did not register a telephone number at which to be reached and did not participate in the hearing.

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, most recently as an RN case manager, from July 5, 2017, until August 29, 2017, when she quit her employment. Claimant had two suicidal patients on her caseload, which caused her significant stress. One of these patients, with whom claimant had multiple conversations, died from suicide the same day claimant spoke with him. After this happened, claimant became increasingly withdrawn and began experiencing migraines that affected her ability to work.

Around August 29, the employer brought claimant into the office and talked to her about these issues. The employer notified her that she would not be seeing any patients for the time being, as she was not in a mentally healthy place to care for them. They also notified her that if she had one more absence, she would be discharged. The following day, the employer called and followed up with claimant to check on her. Claimant decided to quit rather than wait and be terminated after another absence.

REASONING AND CONCLUSIONS OF LAW:

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

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 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: …
>
> (20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.
>
> (21) The claimant left because of dissatisfaction with the work environment.
>
> …
>
> (28) The claimant left after being reprimanded.

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). Here, the administrative law judge is sincerely sympathetic to claimant's situation, and there is no doubt that claimant leaving her employment was of benefit to her health. However, Iowa Unemployment Security Law does not consider this situation one in which the employer has compelled claimant to leave. Rather, she left her employment without cause attributable to her employer.

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). Claimant chose to leave her employment rather than wait and be discharged for absenteeism. While claimant had compelling personal circumstances motivating her to leave employment, her decision to separate was without good cause attributable to the employer. Benefits are withheld.

DECISION:

The October 5, 2017 (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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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Elizabeth A. Johnson
Administrative Law Judge

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Decision Dated and Mailed

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