

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSHUA WOOD**

Claimant

**APPEAL NO: 17A-UI-10461-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**UNIVERSAL HOSPITAL SERVICES INC**

Employer

**OC: 09/24/17**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 9, 2017, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on October 31, 2017. The claimant participated in the hearing. Susan Cardoza, District Operations Supervisor and Brian Mast, Operations Director, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time customer service coordinator for Universal Hospital Services from July 29, 2013 to September 25, 2017.

On Monday, September 25, 2017, the claimant approached District Operations Manager Susan Cardoza shortly after she arrived for work and asked to speak to her. They went to the conference room and as soon as Ms. Cardoza walked in the room the claimant began emptying his pockets and put his keys and badge on the table. He said, "Effective immediately I'm no longer working for UHS and my computer is on my desk." Ms. Cardoza said, "Okay," and the claimant turned around and walked out the front door.

Ms. Cardoza was hired by the employer three weeks prior to the claimant's leaving. The claimant also applied for the job. On September 21, 2017, the claimant and Ms. Cardoza had a conversation about the on-call rotation and taking calls after hours from technicians. He stated he was willing to work his on-call rotation but was not willing to take any escalation calls or calls from technicians outside his work hours. Ms. Cardoza reminded the claimant his job description required the ability to work flexible hours including on-call, evenings, weekends, holidays and emergency off hours. The claimant indicated he did not agree and was unwilling to take escalation calls or calls from technicians.

On September 22, 2017, a conference call took place involving the claimant, Ms. Cardoza and her manager. Ms. Cardoza asked the claimant to clarify what he would not do and the claimant repeated he would not take escalation calls or calls from technicians. The claimant said he was unwilling to take calls outside his scheduled work hours and Ms. Cardoza told him she expected him to fulfill his job duties. The call ended and Ms. Cardoza planned to investigate why the claimant was receiving as many calls as he said he was getting. Ms. Cardoza stated the claimant should only have to take those calls that could not wait.

The claimant maintains he did not voluntarily quit but his employment was terminated when Ms. Cardoza told him September 25, 2017, that due to leadership changes his position was being terminated. Prior to discharging an employee the employer needs to secure the prior approval from human resources, the legal department and the management team including Operations Director Brian Mast. None of those departments or Mr. Mast approved the claimant's termination. Additionally, if an employee's position is eliminated he receives severance pay. The claimant did not receive any severance pay.

#### **REASONING AND CONCLUSIONS OF LAW:**

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

While the claimant testified his employment was terminated, the employer denies the claimant was discharged and testified he voluntarily quit his job. For the reasons stated below the administrative law judge finds the claimant voluntarily quit his job without good cause attributable to the employer.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

Ms. Cardoza was only employed with the company for three weeks before the claimant quit his job. There is no evidence that Ms. Cardoza sought prior approval from human resources, the legal department, or the management team, or even mentioned the possibility of terminating the claimant's employment to Mr. Mast. It is highly unlikely that Ms. Cardoza, a very new member of management, would unilaterally terminate the claimant's employment without consulting her manager for direction. Additionally, even though the claimant was refusing to perform certain aspects of his job, Ms. Cardoza did not issue him a warning but instead was preparing to investigate the call volume the claimant was receiving to see if the situation could be resolved to the satisfaction of all involved.

Under these circumstances, the administrative law judge must conclude the claimant voluntarily quit his job without good cause attributable to the employer. Therefore, benefits must be denied.

**DECISION:**

The October 9, 2017, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/rvs