

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANE M LEAMAN
Claimant

APPEAL NO. 06A-UI-11527-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 10/08/06 R: 03
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 20, 2006, reference 04, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 18, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing with her representative, E.J. Gallagher, attorney at law. Alice Smolsky participated in the hearing on behalf of the employer with witnesses, Jeff Wallum, and Sue Weber. Exhibits A and 1 were admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time as a registered nurse from July 24, 2006, to September 14, 2006. Her supervisor was the director of nursing, Sue Weber.

The claimant was dissatisfied with working conditions, specifically the number of residents she was required to care for and what she believed was inadequate staffing. She was experiencing some pain in her back that she attributed to the hard work she was required to perform as a result of the staffing level.

The claimant submitted her two-week notice to the employer on August 31, 2006. The resignation did not indicate any problems with working conditions. After she submitted her resignation, the administrator, Jeff Wallum, spoke to the claimant about her resignation. She complained about the staffing levels. Wallum told the claimant that the staffing levels were within the corporate guidelines. The claimant did not receive any advice from a doctor to quit her employment, and there is no medical evidence that continuing employment was a hazard to her health.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without 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.

The evidence fails to establish the claimant was subjected to intolerable working conditions. At most, the evidence establishes the claimant left employment because she was dissatisfied with the work environment, which would not be considered good cause under the unemployment insurance law. She has not satisfied the requirements of Iowa Code section 96-5-1-d since she did not receive advice to leave employment or 871 IAC 24.26(6)b, which requires competent evidence that conditions at work caused or aggravated her medical condition and made it impossible for her to continue in employment due to a serious health danger.

DECISION:

The unemployment insurance decision dated November 20, 2006, reference 04, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs