

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONNA L MCDANIEL
Claimant

APPEAL NO. 09A-UI-07244-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRI-STATE NURSING ENTERPRISES INC
Employer

**Original Claim: 04/05/09
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 8, 2009, reference 02, that concluded she voluntarily quit employment without good cause. A telephone hearing was held on June 4, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Janelle Townsend participated in the hearing on behalf of the employer with witnesses Bridget Hoefling and Michelle See.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full time for the employer as a staffing specialist from August 18, 2008, to February 25, 2009. The claimant had several problems going on in her personal life, including health and behavioral problems with her son and health problems with her husband. The claimant was often absent from work.

In December 2008, the problems had reached the stage where the claimant informed Janelle Townsend, the staffing operations manager, that she believed it was best that she leave and the employer find someone dependable to replace her. Townsend and the owner of the business, Bridget Hoefling, encouraged the claimant not to quit and were very flexible in allowing her the time off she needed. The claimant moved to the Des Moines area so that it was easier for her son to receive care. She worked an average of 24 hours per week during the months of January and February, but she did also do some work from home.

On February 25, 2009, the claimant contacted Hoefling. She told Hoefling about all the stress she was experiencing and told her that she just could not do it any further. Hoefling reasonably believed the claimant was quitting and asked her to turn in her pager and phone and she would take it from there.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and the reliability of the evidence and by applying the proper standard and burden of proof. Not unusually, Hoefling and the claimant's version of the conversation on February 25 is irreconcilable and I am required to decide what to believe. The preponderance of the credible evidence establishes the claimant voluntarily quit employment. She told Hoefling that she could not take the stress anymore. Townsend provided corroborating testimony about the time in December when the claimant made similar comment. Townsend also corroborated what Hoefling said, because Hoefling immediately told her about the conversation she had with the claimant.

The personal problems experienced by the claimant were certainly compelling but did not provide good cause attributable to the employer for quitting.

DECISION:

The unemployment insurance decision dated May 8, 2009, reference 02, 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/kjw