

**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**

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**CENTRAL IOWA
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c/o HUMAN RESOURCES
1313 HIGH ST STE 111
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**Appeal Number: 04A-UI-02035-ET
OC 01-25-04 R 02
Claimant: Appellant (1)**

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, 2nd 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 Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a decision dated February 19, 2004, reference 02, that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on March 15, 2004. The claimant participated in the hearing. Jane Coy, Employee Relations Manager, and Barb Owca, Human Resources Business Partner, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time clinic manager for Central Iowa Hospital Corporation from May 15, 1986 to December 3, 2003. On October 20, 2003, the

employer issued the claimant a corrective action form stating that staff morale and staff and provider satisfaction must improve. The claimant was very upset about the warning and the employer suggested she contact the Employee Assistance Program (EAP). She met with EAP the afternoon of October 21, 2003, and then began a three-week short-term disability leave October 22, 2003. She was released to return to work November 12, 2003, and the employer scheduled a follow-up meeting on that date so they could discuss the claimant's reentry and goals. Karen Pierick, Business Partner, met with the claimant's staff and the providers while she was on leave and learned of some issues they had with the claimant that were to be discussed during the November 12, 2003, meeting. The claimant believed she was being told she must satisfy the staff as well as the providers and felt it was a "no-win" situation. She assumed the work environment would be worse after her return and she would fail to meet the terms of the warning and she did not want a termination on her record. She voluntarily quit her job approximately five minutes into the November 12, 2003, meeting. The employer had no plans to terminate the claimant's employment and was shocked that she chose to quit. The claimant did not tell the employer she was considering leaving her position prior to the time she quit.

REASONING AND CONCLUSIONS OF LAW:

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

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(21). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). The claimant was upset about the corrective action issued by the employer October 20, 2003, and worked one-half day following the warning before taking a three-week short-term disability leave. The employer met with the claimant upon her return in an effort to help her transition back to work but the claimant resigned five minutes into the meeting, stating she did not want to go back to the clinic. The administrative law judge does not doubt that the claimant's work environment was stressful but rather than return to work and attempt to meet the employer's expectations, the claimant assumed the situation was going to be worse and that she would fail and, consequently, chose to quit during the meeting. The claimant did not tell the employer she was going to quit if her complaints were not resolved but instead quit abruptly without going back to see if the situation would actually deteriorate or whether it might improve. While the claimant was dissatisfied with her work environment, she has not demonstrated that her working conditions were unlawful, intolerable, or detrimental, as defined by Iowa law, and, consequently, the administrative law judge concludes the claimant's leaving was without good cause attributable to the employer. Benefits are denied.

DECISION:

The February 19, 2004, reference 02, decision is affirmed. The claimant voluntarily left her 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.

je/b