

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEILA M MOORE

Claimant

APPEAL NO. 14A-UI-08656-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ABCM CORPORATION

Employer

OC: 07/27/14

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 18, 2014 (reference 02) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was held on September 9, 2014. The claimant did participate. The employer did not participate. Claimant's Exhibit A was entered and received into the record.

ISSUE:

Did the claimant voluntarily quit her employment without 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 full time as a registered nurse beginning in 2004 through June 13, 2014 when she voluntarily quit. When she quit, the claimant did not have any other job lined up nor did she have an offer of employment pending from another employer.

The claimant voluntarily quit because she was unhappy with the work environment. The employer, as a nursing home, had prescription drug medication missing. They had the right and were in fact obligated to investigate the missing medication. The claimant was upset that she was questioned more than once by a supervisor about the missing medication. The employer's actions, investigating missing medication, does not create an intolerable or hostile work environment.

The claimant was also unhappy that an allegation had been made against her by another employee. She asked the director of nursing to review the surveillance video. The director of nursing did as the claimant asked and found the complaint not to be founded. The claimant was not disciplined in any way for the situation. The employer had the right to investigate the complaint made against the claimant.

The claimant had been given disciplinary warnings about how she herself spoke to coworkers. She was under the impression that she was going to be disciplined again for how she was treating coworkers. The claimant had not been told she was going to be discharged and, under the employer's policy, the next step in their progressive policy would not have been discharge.

The claimant was also dissatisfied with some decision made on protocols and policy. It was not within the claimant's purview to make policy decisions.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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(6), (21), (22), (28) 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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

(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). 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).

The claimant's objection to the employer investigating possible theft of medication or mistreatment of residents does not establish an intolerable or hostile work environment. The employer was obligated to make the investigation even if it did displease the claimant. Additionally, the claimant was going to be written up. She was not subjected to an intolerable work environment, she voluntarily quit because she no longer liked the workplace and in anticipation of being disciplined. She has not established good cause attributable to the

employer for quitting. While claimant's decision to quit may have been based upon good personal reasons, it was not a good cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The August 18, 2014 (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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

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