

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARTHA L FARLEY
Claimant

APPEAL NO: 15A-UI-00372-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CENTRAL IOWA HOSPITAL CORP
Employer

OC: 12/21/14

Claimant: Appellant (4)

Section 96.5-1-c – Voluntary Leaving/Care of Ill or Injured Family Member

STATEMENT OF THE CASE:

Martha L. Farley (claimant) appealed a representative's January 7, 2015 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Central Iowa Hospital Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 4, 2015. The claimant participated in the hearing. Kendra Little appeared on the employer's behalf and presented testimony from one other witness, Jim Miara. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on January 29, 2009. She worked full time as an overnight emergency dispatcher in the employer's Des Moines, Iowa medical center. Her last day of work was the shift from the evening of December 3 into the morning of December 4, 2014. She called off work thereafter and was granted a leave of absence as of December 11, 2014. She then quit by sending a text message and email to the employer on December 26 indicating that she was quitting effective that date. Her stated reason for the quit was to care for her sister who was ill.

The claimant is her sister's court appointed guardian, and her sister lives with the claimant. The sister became seriously ill in early December, and the sister's doctors indicated that the claimant needed to be present to provide care for the sister. That was still the case as of the date of the hearing in this matter.

The claimant asserted there were additional reasons for her quitting that she did not state in her message to the employer, including the fact that other employees had been angry with her in about June or July 2014, that she had been overlooked for a transfer to a day shift in September or October 2014, and that when she was calling in to report her absences in early December the

persons to whom she spoke made negative comments about how they would have to cover for her. The claimant also considered the employer responsible for credit issues she was having which she attributed to a HIPAA breach of her information which occurred in October 2010; however, she did not provide any evidence of any actual connection between what happened in 2010 and what might have happened more recently, and she did not identify any action that she believed the employer should have taken that it had not.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. Rule 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a coworker is not good cause. 871 IAC 24.25(21), (6). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973).

Where a claimant gives several different reasons for leaving employment, all stated reasons which might have combined to give the claimant good cause to quit must be considered in determining whether any of those reasons alone or in combination constituted good cause attributable to the employer. *Taylor v. IDJS*, 362 N.W.2d 534 (Iowa 1985). The administrative law judge notes that the only reason the claimant actually gave to the employer for quitting was to provide care for her dependent sister. Where the quit is for a family member's medical or health reasons, the quit is disqualifying at least until the family member has recovered and seeks to return to work but no work is available with the employer. Iowa Code § 96.5-1-c; Rule 871 IAC 24.26(8). Currently, the claimant's quit is disqualifying, but the disqualification could be removed if the claimant's sister sufficiently recovers so that the claimant would be able to return to employment, and if she then seeks to return to her position with the employer and the employer cannot or does not return her to her position.

DECISION:

The representative's January 7, 2015 decision (reference 01) is modified in favor of the claimant. The claimant voluntarily left her employment in order to care for an ill or injured family member, but has not yet offered to return to work. As of December 26, 2014, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, or until she has offered to return to work and no work was available, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs