

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA A LOOMIS
Claimant

APPEAL NO: 12A-UI-03343-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

COVENANT CARE ENNOBLE LLC
Employer

OC: 01/08/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dislike of Working Environment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 28, 2012, reference 01, that held the claimant voluntarily quit without good cause attributable to her employer on January 9, 2012, and benefits are denied. A telephone hearing was held on April 17, 2012. The claimant participated. Jenna Gardner, Executive Director, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit with good cause attributable to the employer?

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time C.N.A. from June 3, 1998 to January 6, 2012. The claimant presented a note to the Director of Nursing (D.O.N) on January 9 she was quitting, and turned in her badge.

In October 2011, claimant confronted the D.O.N about the lack of staff to do the work. Claimant complained there were not enough C.N.A.'s assigned on her work shift and she was experiencing stress that affected her home life. On Christmas Day 2011, claimant and one other C.N.A. were scheduled for work, but two pick-up C.N.A's came into help with two nurses present. The staffing was sufficient according to department regulation given the patient census. The employer was later issued some citations for deficiencies but none were based on inadequate staffing.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to disliking the work conditions on January 9, 2012.

Where claimant perceived there was a habitual shortage of staff scheduled to do the work, the employer refuted this information by offering specifics about the number of patients present at Christmas with meeting the staff requirement, and at other periods contended by claimant. The fact the employer was not cited for any staffing ratio to patient deficiency supports the employer position that there were the required persons necessary to do the job.

Claimant was a long term employee who might have suffered some job stress due to working a lengthy period for this employer rather than the employer violating any staff to patient ratio standard for care. The evidence does not support any unlawful working condition or intolerable working condition that could give rise to claimant quitting employment.

DECISION:

The department decision dated March 28, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to her employer on January 9, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs