

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALICE I FRAZIER
Claimant

APPEAL NO: 13A-UI-06297-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MID-STEP SERVICES INC
Employer

OC: 05/05/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Alice I. Frazier (claimant) appealed a representative's May 23, 2013 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Mid-Step Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 3, 2013. The claimant participated in the hearing. The employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. Based on the evidence, the arguments of the claimant, 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?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on August 27, 2012. She worked full time as a home community based service assistant in the employer's Sioux City, Iowa program for adults with disabilities. Her last day of work was April 5, 2013. She voluntarily quit effective that date, having given notice of her resignation on or about March 1, 2013.

She told the employer that the reason she was quitting was to move back to Eddyville, Iowa, at least in part because her estranged husband was having health issues. Her actual reason for quitting was that she was in fear that she was going to be discharged because she could not keep up with the required documentation.

The claimant has virtually no typing skills. She asked the employer for assistance in ways to do the required documentation more effectively, and a number of different systems were tried, but

to no avail. In December 2012 the claimant was given the option of being transferred to a smaller residential setting at a duplex or be discharged. She did agree to be transferred to the duplex setting.

The claimant continued to struggle with getting adequate documentation done in a timely manner, but her new supervisor did not impose any further discipline, but in fact would fix errors that the claimant might make in her paperwork. Even though nothing more was said as to the claimant's job being in jeopardy, the claimant became more and more fearful that she was going to be discharged. She therefore determined to resign her position and return to Eddyville.

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. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

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. Quitting to relocate or to be with a spouse because of family responsibilities is not good cause attributable to the employer. 871 IAC 24.25(2), (23). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). Leaving employment because the claimant felt that her job performance was not to the satisfaction of the employer where, as here, the employer had not requested the claimant to leave and continued work was available, is not good cause. 871 IAC 24.25(33). 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). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's May 23, 2013 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of April 5, 2013, 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, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css