

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in August 1978. Prior to her separation, the claimant worked as a full-time nurse manager LPN on third shift. Eggers was the claimant's most recent supervisor. Eggers worked as the director of nursing for about 18 months. Prior to Eggers becoming the director of nursing, the claimant considered quitting.

After Eggers became the director of nursing, the claimant became frustrated. When the claimant informed Eggers about problems with employees, the claimant did not believe Eggers investigated the problem or did anything to support the claimant's disciplinary actions. Even when the claimant reported problems with patients' care, the claimant did not see Eggers doing anything to make sure patients received quality care.

The claimant experienced work performance problem with M. After the claimant sent M. home early because she refused to answer call lights and displayed an insubordinate attitude, the claimant reported the incident to Eggers. Although Eggers asked the claimant to meet with M. and Eggers, the claimant declined this meeting without someone from the human resource department present. The claimant became more frustrated when Eggers allowed M. to return to work the same day the claimant sent her home early. Eggers talked to M. before she allowed her to report to work. Based on the claimant's report, the employer disciplined M.

The employer arranged a meeting with Grantz, Eggers and the claimant on June 30, 2005. The meeting did not meet the claimant's expectations and she became more frustrated with the employer. On July 6, two employees who worked with the claimant went to Grantz' office to talk about a problem with a day nurse. These employees told the claimant Grantz incorrectly concluded they were there to complain about the claimant. The claimant became further frustrated and disillusioned with management. From the claimant's perspective, neither her supervisor nor management cared about patients or supported the claimant regarding any discipline the claimant felt was necessary. Although the claimant considered certain instances to amount to patient abuse, which Eggers did nothing about, the claimant did not report any abuse to the Department of Inspections and Appeals.

On July 18, 2005, the claimant gave the employer her written resignation, which was effective July 29, 2005. The claimant informed the employer she was resigning because the working conditions had deteriorated to the point that it compromised her professional ethics. The claimant hoped her resignation would prompt upper management to ask her what she meant by her remarks. No one did. Instead, the employer accepted her resignation and did not ask if there were any specific reasons for resigning. The claimant's last day of work was July 29, 2005.

The claimant established a claim for unemployment insurance benefits during the week of July 31, 2005. The claimant filed claims for the weeks ending August 13 through September 24, 2005. The claimant received a total of \$2,053.00 in benefits.

#### REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. The claimant voluntarily quit her employment when she submitted her resignation on July 18, 2005. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant voluntarily quits with good cause when she leaves employment due to detrimental or intolerable working conditions. 871 IAC 24.26(4). The facts establish the claimant has been frustrated with her supervisor and management for over a year. Even though the claimant did not believe Eggers took any steps to correct employee performance problems, the claimant failed to report situations she considered amounted to abuse to the proper authorities. Since Eggers became her supervisor, the claimant did not bring any of her concerns about Eggers to management's attention. Even when Eggers attempted to resolve a problem with an employee, M., the claimant declined to meet with the employee and Eggers unless a representative from the human resource department was present.

The final straw occurred when two employees told the claimant about Grantz' comment when they went to her to make a complaint about a day nurse. The claimant decided she had enough and put in her resignation. Even though the claimant hoped the employer would ask her what would prompted her to say continued employment would cause her to compromise her professional ethics, the employer did not because the claimant has in the past talked about quitting. Again, the claimant failed to identify specific problems the employer could investigate or attempt to correct.

The claimant established compelling personal reasons for quitting. The facts show the claimant's work ethic is beyond reproach. The claimant provides and requires from others a very high standard of care. The evidence does not, however, establish that the claimant worked in intolerable or detrimental working conditions. Therefore, she is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code §96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending August 13 through September 24, 2005. The claimant has been overpaid a total of \$2,053.00 in benefits.

#### DECISION:

The representative's August 24, 2005 decision (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 31, 2005. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The claimant is not legally entitled to receive unemployment insurance benefits during the weeks ending August 13 through September 24, 2005. The claimant has been overpaid a total of \$2,053.00 in benefits she received for these weeks.

dlw/kjf