

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

PAMELA M BROWN  
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P O BOX 63  
STANHOPE IA 50246

CARE INITIATIVES  
C/O TALX UC EXPRESS  
F/N/A JOHNSON & ASSOCIATES  
P O BOX 6007  
OMAHA NE 68106-6007

Appeal Number: 04A-UI-02596-DT  
OC: 02/08/04 R: 01  
Claimant: Appellant (4)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit  
871 IAC 24.27 - Voluntary Quit of Part-Time Job

STATEMENT OF THE CASE:

Pamela M. Brown (claimant) appealed a representative's March 2, 2004 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Care Initiatives (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 31, 2004. The claimant participated in the hearing. Suzanna Ettrich of TALX UC Express, f/k/a Johnston & Associates, appeared on the employer's behalf and presented testimony from two witnesses, Dan Boor and Danette Tilley. During the hearing, Claimant's Exhibit A was entered into evidence. Administrative notice is being taken of the Agency's wage records. 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 July 22, 2003. She worked part time (usually approximately 26 hours per week, approximately 14 hours per week in the last two weeks of her employment) as a housekeeper in the employer's Stratford, Iowa, long-term care nursing facility. Her last day of work was February 6, 2004.

The claimant was scheduled to work from 7:00 a.m. to 1:30 p.m. on February 6. One of her duties was to sanitize the beds before the beds were made. The claimant was cleaning a rest room when a laundry aide approached her and demanded that the claimant finish the sanitizing of the beds immediately so the beds could be made. The claimant attempted to tell the laundry aide that she would sanitize the beds in approximately a half hour, but the aide had left the rest room. The claimant became upset and frustrated both by the duties she was trying to complete and the aide's making demands of her. She left the facility and did not return. That evening, when her supervisor, Ms. Tilley, called her on the phone, the claimant acknowledged that she was quitting.

The claimant filed a new claim for unemployment insurance benefits with an effective date of February 8, 2004. The employer paid the claimant \$1,650.01 in wages during the third quarter of 2003; the claimant's highest quarter of earnings during her base period was the fourth quarter of 2002, which did not include any wages from the employer.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is disqualified from receiving unemployment insurance benefits because she voluntarily quit employment without good cause attributable to the employer.

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 24.27 provides:

Voluntary quit of part-time employment and requalification. An individual who voluntarily quits without good cause part-time employment and has not requalified for benefits following the voluntary quit of part-time employment, yet is otherwise monetarily eligible for benefits based on wages paid by the regular or other base period employers, shall not be disqualified for voluntarily quitting the part-time employment. The individual and the part-time employer which was voluntarily quit shall be notified on the Form 65-5323 or 60-0186, Unemployment Insurance Decision, that benefit payments shall not be made which are based on the wages paid by the part-time employer and benefit charges shall not be assessed against the part-time employer's account; however, once the individual has met the requalification requirements following the voluntary quit without good cause of the part-time employer, the wages paid in the part-time employment shall

be available for benefit payment purposes. For benefit charging purposes and as determined by the applicable requalification requirements, the wages paid by the part-time employer shall be transferred to the balancing account.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code Section 96.6-2. 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 or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (23). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). While the claimant's work situation was perhaps not ideal, she 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.

The claimant voluntarily quit employment without good cause attributable to the employer. The job, however, was part time, and the claimant has sufficient wages from other employers to qualify to receive unemployment insurance benefits. The employer's account will not be subject to charge for benefits paid to the claimant.

#### DECISION:

The representative's March 2, 2004 decision (reference 01) is modified in favor the claimant. The claimant is not disqualified and the employer's account is not subject to charge because the claimant voluntarily quit part-time employment without good cause attributable to the employer.

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