

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**GEMMA DE CHOISY**  
Claimant

**THE UNIVERSITY OF IOWA**  
Employer

**APPEAL NO. 18A-UI-11878-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/11/18  
Claimant: Appellant (2)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated November 29, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 17, 2019. Claimant participated and was represented by attorney Marcus Mills. Employer chose not to participate. Exhibits A-F were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: As employer didn't participate and didn't dispute claimant's receipt of benefits, all findings of fact are derived from claimant's testimony. Claimant last worked for employer on October 30, 2018. Claimant ended her employment with employer on November 8, 2018 after she and employer reached an agreement on the separation.

Shortly after claimant was hired in January, 2017, she was discovered to have a rare lung disease. Claimant needed an oxygen concentrator and frequent testing to deal with her medical problems.

In June, 2017 claimant's supervisor dramatically altered and increased claimant's job responsibilities, doubling claimant's hours without increasing her hourly rate of pay. The supervisor did not clear any of these actions through the human resources department. As claimant was unsure of her new job description, her annual review in March, 2018 showed claimant to be lacking in many areas. Claimant also had a negative job review in September, 2018, and was scheduled to have a third job review in October. Claimant was told that they were going to "move ahead with the process" in regards to claimant's employment.

Claimant hired an attorney in September to pursue her claims of harassment alleging, among other things, that claimant's supervisor placed unreasonable job requirements which were outside of her job description, harassing claimant about her disability, and threatening the

removal of insurance. Claimant and employer reached a decision in early November wherein claimant would be allowed to quit her employment rather than being terminated and claimant would not pursue further litigation.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer forced her quit as it was going to move forward towards termination if claimant didn't quit.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant showed good cause through claimant's supervisor's harassment of claimant. Harassing claimant about her disability and threatening a loss of insurance to a person experiencing health difficulties satisfies requirements for good cause to quit.

**DECISION:**

The decision of the representative dated November 29, 2018, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn