

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VIRGINIA A BRATNEY
Claimant

APPEAL NO. 14A-UI-03379-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEALTHY CONNECTIONS INC
Employer

OC: 03/02/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated March 21, 2014, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on April 21, 2014, by telephone conference call. The claimant participated personally. Employer participated by Rachael Owens, assistant executive director. The record consists of the testimony of Virginia Bratney; the testimony of Shawn Grim; the testimony of Shan Bear; and the testimony of Rachael Owens.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer provides services to families and individuals through Medicaid. The claimant was hired on January 30, 2012, as a full-time administrative assistant. The claimant's last day of work was March 5, 2014. The claimant gave a two-day notice to the employer. When the employer asked for a resignation in writing, the claimant developed what the employer considered to be "an attitude" and threw the paper at Racheal Owens, who is the assistant executive director. She was told she could leave immediately, which is what the claimant did.

The claimant quit her job because she wanted to keep her reputation intact and did not want to work for an organization where she believed Medicaid fraud was ongoing. The claimant was particularly concerned about a Medicaid fraud case that was being investigated by the state and involved another employee—M M. The claimant thought this employee was going to be terminated and the government was going to be repaid. The claimant said that this repayment did not occur. M M is no longer an employee.

The employer is not being investigated for Medicaid fraud and had not been investigated in the past. The employer is aware that M M is being investigated but is unsure of the status of the investigation.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.25(21), (38) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

The claimant is ineligible for unemployment benefits effective March 8, 2014. The claimant has failed to provide sufficient evidence that her workplace was a hostile workplace. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She voluntarily quit her employment due to what she believed was unethical conduct by her employer. Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

The evidence provided by the claimant does not rise to an intolerable or detrimental work environment. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973). Although the claimant did not agree with some of the employer's practices, she failed to provide substantial evidence that Medicaid fraud was indeed being done at the direction of the employer. What seemed to particularly bother the claimant was some fraud that she believed had taken place back in December 2012. She felt that the employee, M M, should not have been allowed to resign and that the money paid should be repaid. It appears that M M is being investigated but there is no evidence that the employer is subject to an ongoing fraud investigation. M M is being investigated but the results of that investigation are unknown.

The administrative law judge can understand why the claimant, and apparently two of her coworkers, was concerned about some of the ways that the employer chose to conduct its business. That being said, there is still not enough evidence to allow the administrative law

judge to conclude that the claimant was being directed to perform illegal acts or that her reputation would somehow be "tainted" because of the employer's actions. Since the claimant has not shown that she quit her job for good cause attributable to the employer, benefits are denied.

DECISION:

The decision of the representative dated March 21, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefits amount, provided claimant is otherwise eligible effective March 8, 2014.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs