

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HANNAH M GARRISON
Claimant

APPEAL NO. 12A-UI-10941-S

**ADMINISTRATIVE LAW JUDGE
DECISION**

OPTIMAE LIFESERVICES INC
Employer

OC: 08/12/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dislike of Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated August 29, 2012, reference 01, that held she voluntarily quit without good cause on August 10, 2012, and benefits are denied. A hearing was held in Des Moines, Iowa on October 9, 2012. The claimant participated. Susan Martin, associate regional director, and Idah Newquist, HR director, participated for the employer.

ISSUE:

The issue is whether the claimant voluntary quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds that: The claimant started work as a full-time service coordinator for the employer beginning February 3, 2011, and lasted worked on August 10, 2012. Claimant is a mandatory reporter for abuse, and she received employer training on this matter.

Claimant supervised residential coordinators who were responsible for overseeing residents at three houses in a community that contained some dependent adults and others who had some mental deficiencies. One of the coordinators was Trina Turner.

On July 24 claimant learned about a fraud investigation that had started around June 1 and affected an employer resident. A few days later, claimant had information that caused her to believe that Coordinator Turner might be involved in financial exploitation of an employer resident and voiced her concern to management that she should act as a mandatory reporter in disclosing this to DHS. She was told the employer was conducting its own investigation and she was discouraged from doing so independently.

When claimant felt the employer was not taking timely action to report the matter to DHS, she told her manager she was quitting employment. She felt her subordinate's conduct put her career in jeopardy, as it reflected on her failure to act as a mandatory reporter. Although the employer advised claimant in an August 10 meeting that a report to DHS against Turner was forthcoming, claimant felt she no longer had confidence in the employer to handle these issues and confirmed her decision to quit. Her exit interview was conducted on August 14. She made a report to DHS after leaving.

REASONING AND CONCLUSIONS OF LAW:

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 24.25(21) 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.

The administrative law judge concludes that the claimant voluntarily quit without good cause attributable to her employer when she left her job on August 10, 2012 due to personal reasons.

Claimant did not like how the employer handled an apparent abuse issue of a subordinate employee she supervised. Whether an individual files a report to DHS as a mandatory reporter is a personal decision, not a business decision. While claimant might have been discouraged from making an immediate report while the employer investigated, she was not threatened with discipline or termination if she did so.

Claimant knew on August 10 the employer DHS report was forthcoming and she had the opportunity of continuing employment but elected not to do so. Her career-affected rationale is flawed based on this one-time incident and not a good cause for quitting.

DECISION:

The representative's decision dated August 29, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on August 10, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw