

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAULA A WILKINS
Claimant

LI'L SCHOLARS PRESCHOOL LLC
Employer

APPEAL NO. 14A-UI-10698-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/14/14
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 3, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 20, 2014. Claimant participated, was represented by counsel, EJ Flynn and witnesses Carla Kelley, Tiara Ziegler, and Robert Leedom. Employer participated by attorney Gary Fischer, with witnesses Marci Johnston, Kim Anderson, and Janiece DeJonge. Employer's Exhibits One through Ten and Claimant's Exhibits A through I 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: Claimant last worked for employer on September 4, 2014. On September 9, 2014 claimant tendered her resignation. Claimant worked in the infant room for employer as the lead teacher.

Claimant stated that she was forced out of her job by employer. The reasons stated behind claimant's quit were that she was being forced to change her room, that her day off was being changed, that she was being stripped of the title of lead teacher, that she was being harassed, and claimant feared retaliation from employer for talking with Jennifer Shreck about safety issues.

Claimant has a child who needs medical care. As a result, claimant requested and received Fridays off from work to go to scheduled medical visits. Approximately one month before claimant's quit, Janiece DeJonge approached claimant and her coworkers in the infants' room and stated that they were looking into changing days off. There were no further conversations into this matter and no changes were made.

Claimant discussed safety issues with an outside child safety expert she believed worked for DHS. The woman in fact did not work for DHS. Employer had no safety issues with DHS and is seen to have an adequate fire safety plan. Claimant did not believe the safety plan for the infants' room to be appropriate. Claimant also stated that employer was over mandated ratios for children to teachers. When told of being over ratio, employer would immediately fix the problem.

Claimant was questioned by employer when a child sustained a bruise while under the care of the infants' teachers in the weeks before claimant's quit. She was also questioned another time when a boy fell and cut his mouth. On neither of these occasions was claimant written up by employer.

Claimant was told by a coworker in the infants' room that claimant was going to be switched out of that room. Claimant was not informed of this by her employer, and employer stated that although there were discussions to change the room, claimant did not have a contract for a specific room, and had during her tenure worked out of another room previously.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge looks at all of the facts and incidents that led to claimant's quit. Where a claim gives numerous reasons for leaving employment Iowa Workforce is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining any of those reasons constitute good cause attributable to the employer. Taylor v. Iowa Department of Job Service, 362 N.W.2d 534 (Iowa 1985). In examining each of the reasons stated behind claimant's quit, the administrative law judge looks at each of the allegations alone and in total.

The allegations of safety violations are without merit. DHS has examined employer's childcare center, and in the absence of violations found, the court will not find violations. The allegations of harassment are likewise found to be without merit. Employer would be remiss if claimant and other similarly situated employees were not questioned every time a child sustained an injury. Employer was doing its job, and did not issue claimant any verbal or written warnings after said investigations.

In regards to the shifting of rooms and days off, the administrative law judge does not hold that these purported actions or threats of actions constitute good cause to quit employment. Claimant stated that she needed a certain day off for medical appointments. Given enough time, those appointments could be changed to another day. But, this doesn't even address the reality that no days had been switched, and employer did not state that plans were actually in place to shift days. As far as the room switching, claimant had worked in another room previously, and there was no particular contract that claimant could not switch rooms. Claimant had not even been told by anyone with management that she was to switch rooms, only by a disgruntled coworker. The pay rates and hours worked were to stay the same, and claimant offered no proof that she would no longer be a lead teacher.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of multiple issues. When looked at individually to see if any of the issues would constitute good cause, or in the aggregate, good cause was not shown.

DECISION:

The decision of the representative dated October 3, 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 benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs