

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTINA R JENNINGS**  
Claimant

**APPEAL NO. 11A-UI-10192-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EMPLOYMENT SERVICES  
LLC**  
Employer

**OC: 07/03/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated July 26, 2011, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on August 29, 2011. Claimant participated personally. The employer participated by Ms. Marnie Robbins, Human Resource Director.

**ISSUE:**

The issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Christina Jennings was employed by Heartland Employment Services, LLC from June 2008 until July 6, 2011 when she voluntarily left employment. Ms. Jennings worked as a full-time certified nursing assistant and was paid by the hour. Claimant's immediate supervisor was Jenny McClain.

Ms. Jennings quit her employment with Heartland Employment Services, LLC on July 6 during a telephone call with Ms. Robbins regarding vacation and holiday pay for a period of time that the claimant had been off work due to a psychological evaluation. Claimant stated at that time that she did not receive her pay. Ms. Jennings was also dissatisfied because she had been required to obtain a doctor's release to return to work. The claimant felt that it was inappropriate for fellow workers to initiate legal action that caused her to be mentally evaluated after the claimant had made statements interpreted as threatening harm to herself and her children. Work continued to be available to the claimant at the time of leaving.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record establishes the claimant left employment with good cause attributable to the employer. It does not.

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 claimant has the burden of establishing good cause attributable to the employer. See Iowa Code § 96.6(2).

In this case the evidence establishes the claimant was dissatisfied because she had been required to undergo a mental psychological evaluation because of statements that she made at work that were considered to be a risk to the claimant and her children. The claimant's primary reason as stated in her conversation on July 6, 2011, however, was her dissatisfaction with denial of vacation and holiday pay for the time in question. There is no evidence in the record that the employer violated its policy in denying vacation or holiday pay under the circumstances of this case.

While the claimant may have had good cause personal reasons for leaving this employment, they were not good cause reasons attributable to the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated July 26, 2011, reference 01, is affirmed. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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