

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

HUSHAM A MUTWALI
2140 DRAKE PARK
DES MOINES IA 50311

CENTRAL IOWA HOSPITAL CORP
c/o HUMAN RESOURCES
1313 HIGH ST
SUITE 111
DES MOINES IA 50309-3119

Appeal Number: 04A-UI-05625-AT
OC: 04-25-04 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Husham A. Mutwali filed a timely appeal from an unemployment insurance decision dated May 13, 2004, reference 01, which disqualified him for benefits following his separation from employment with Central Iowa Hospital Corporation. After due notice was issued, a telephone hearing was held June 8, 2004 with Mr. Mutwali participating. Human Resources Business Partner Karen Pierick participated for the employer.

This matter is considered on a consolidated record with 04A-UI-05626-AT.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Husham A. Mutwali was employed by Central Iowa Hospital Corporation as a patient services associate from April 2, 2003 until April 23, 2004. He was a full-time employee. Mr. Mutwali submitted a letter of resignation on April 23 to be effective May 6, 2004. The employer immediately accepted the letter, paying Mr. Mutwali through May 6 without requiring that he work.

Mr. Mutwali submitted his letter of resignation because of three instances occurring between February 28 and April 20, 2004. Although ordinarily assigned to Blank Childrens' Hospital, Mr. Mutwali was on these three occasions instructed to clean rooms in other locations in the Iowa Methodist-Blank Childrens' Hospital complex. He objected to this because he was not classified a "floater."

Spot assignments such as these are fairly common. It may be necessary to quickly clean a room because one patient has been released from the hospital and the room is needed as soon as possible for a new admission. In times like this, the first available employee is assigned to the task.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Mutwali resigned with good cause attributable to the employer. It does not.

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.

An individual may receive unemployment insurance benefits if the individual has resigned because of a substantial change in the condition of employment. See 871 IAC 24.26(1). The rule provides, however, that minor changes in an employee's daily routine do not constitute a substantial change in the conditions of employment.

Mr. Mutwali stated that he felt as if he had been treated like a slave. While he may have subjectively felt that way, the evidence establishes a legitimate business reason for the minor changes in duties. The administrative law judge concludes that a reasonable claimant would not have resigned under these circumstances. Benefits must be withheld. See O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993).

DECISION:

The unemployment insurance decision dated May 13, 2004, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

tjc/b