

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VICKI A STOUT**  
Claimant

**APPEAL NO. 13A-UI-05539-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**  
Employer

**OC: 04/07/13  
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 1, 2013, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on June 13, 2013. The claimant did participate. The employer did not participate.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a licensed nursing home administrator full time beginning July 18, 2011 through March 22, 2013 when she voluntarily quit. In order to have a resident admitted to the facility the resident had to be evaluated by the director of nursing and by the administrator. The employer's policy requires that all potential residents admitted to facility unless they pose a serious threat of physical harm to other residents or staff. The claimant was off work for a medical procedure from March 8 through March 18. Two residents were being considered for admission to the facility. The claimant never told either resident or the resident's family that they could not be admitted to the facility. The claimant was gone during the period when the director of nursing was conducting her evaluation of the potential residents. One of the residents ended up moving into the facility the other did not.

On March 22 the claimant's direct supervisor, Lanny Ward had a meeting with her where he was giving the claimant a final written warning for her allegedly telling the resident that the facility would not take him. The claimant strenuously objected to the write up and tried to explain to Mr. Ward that she was not even at the facility when the potential resident made his decision. She wanted Mr. Ward to interview the director of nursing whom she alleged would support her contention that she had not turned down admission to any resident. Mr. Ward refused to listen to the claimant, take into consideration her side of the story or even interview the director of nursing.

The claimant had worked as an administrator for this employer previously. When she left her employment earlier, the employer made it clear to her they really wanted her to return to work for the company. When the administrator position opened up in Avoca, Iowa, Mr. Ward's supervisor called the claimant and hired her to return to work for the company. The claimant credibly stated that Mr. Ward was not happy with her as an employee, because he did not get to decide if she was hired or not, the COO of the company did. Mr. Ward had an axe to grind regarding the claimant's hiring which resulted in his unfair, unsubstantiated write up of the claimant. The claimant voluntarily quit because Mr. Ward was systematically creating an intolerable hostile work environment for the claimant.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The administrative law judge is persuaded that the claimant never denied admission to a potential resident as Mr. Ward alleged. Mr. Ward was fabricating the event in an attempt to get rid of the claimant. When Mr. Ward would not even give her a chance to counter his unfounded allegation; the claimant quit. Under these circumstances the administrative law judge is persuaded that the claimant voluntarily quit her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The May 1, 2013, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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