

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VICTORIA PARKER
Claimant

YRC INC
Employer

APPEAL 19A-UI-06382-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/14/19
Claimant: Appellant (2R)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant, Victoria Parker, filed an appeal from the August 6, 2019 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on September 5, 2019. The claimant participated personally. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing.

The administrative law judge took official notice of the administrative records including the fact-finding documents. Claimant Exhibit A was admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit the employment with 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 full-time as a customer service specialist and was separated from employment on July 12 2019, when she quit the employment. Continuing work was available.

The claimant began employment in February 2013. In August 2013, she transitioned to a new department within her existing job role. As time went on and employees left the company, the employer did not backfill all positions and the claimant had to take on additional job duties. From July 27, 2018 - October 2018, the claimant took a leave of absence due to stress and to deal with her mental health. The claimant resumed employment in the specialized department, which the claimant described as more complex and stressful than the general department. She had an established schedule for her day to deal with the stress until July 7, 2019, when new management began. When the claimant explained how her day was scheduled and it was not honored, she went to upper management and asked to be reassigned to the general department. The manager told the claimant she could work her existing job or quit the

employment. The claimant attempted to contact human resources to address the issue and preserve employment but after one week of waiting for a response, she decided to quit.

Since separation, the claimant has been receiving medical care. In a doctor's note dated August 3, 2019, the claimant's treating physician indicated she has been unable to work since July 27, 2019 (Claimant Exhibit A).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was with good cause attributable to the employer.

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. They remain disqualified until such time as they requalify for benefits by working and earning insured wages ten times their weekly benefit amount. *Id.*

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973). Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). In this case, the claimant quit the employment after trying to resolve concerns about her scheduling. The claimant first tried to explain to her new manager why she needed her day scheduled in a certain way, after previously experiencing so much stress that she needed to take a leave of absence, and based upon that schedule working for her and prior management. When that was not honored, she went to upper management to try and address her concerns. She asked to transfer back to the general department and was told to do her job or quit. She then tried one more attempt to resolve her issues by contacting human resources. The undisputed, credible evidence presented is the claimant took reasonable steps to preserve her employment and address issues that were causing her concern, and they were met with resistance or ignored. The administrative law judge is persuaded a reasonable person would quit the employment under these circumstances. The claimant has established she quit the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.

REMAND: The issue of whether the claimant is able and available for work effective July 27, 2019 (based upon her August 3rd doctor's note) is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The August 6, 2019 (reference 01) initial decision is reversed. The claimant quit the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible. **REMAND:** The issue of whether the claimant is able and available for work effective July 27, 2019 (based upon her August 3rd doctor's note) is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn