

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SABRINA L HOWE
Claimant

APPEAL NO. 09A-UI-17390-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRESTVIEW ACRES INC
Employer

OC: 11/05/09
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 5, 2009, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 5, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Lori Bellinger participated in the hearing on behalf of the employer, Jeni Clement.

ISSUE:

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

FINDINGS OF FACT:

The claimant was hired to work full time for the employer as a housekeeper and laundry worker from April 28 to May 16, 2009. She received training on infection control and handling medically hazard materials. Jeni Clement was her supervisor. Lori Bellinger is the administrator. When she was hired, she requested that she not be scheduled to work on Sundays in other than an emergency situation and Clement told her that would not be a problem.

The claimant left employment on May 16 after about an hour of work without notice to a supervisor. She voluntarily quit employment because: (1) Clement had not personally told her about the precautions needed to clean an isolation room, (2) Clement was not adequately communicating with her generally, (3) she was upset that Clement had said she should not have been working overtime because she was part time. On the next schedule, the claimant was scheduled on a Sunday, and the claimant was convinced this was retaliation for discussing her hours.

The isolation room had a sign on the door that stated it was an isolation room, which required extra precautions. The sign specifically directed staff members to talk to a nurse if they had any questions. Staff were expected to rely on their training and to ask questions if they had any. The claimant was not treated any differently than other employees in that regard.

Clement may not have talked to the claimant to the extent she expected, but the claimant never complained about this to Clement or Bellinger before she quit her job.

Bellinger had scheduled the claimant to work on a Sunday because she was unaware of the claimant's request not work on Sundays. It was not done to retaliate against the claimant. Once Bellinger knew of the understanding, she was willing to accommodate the claimant's request.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer Iowa Code § 96.5-1.

The evidence does not establish the claimant had good cause to quit employment. Her primary reason for leaving was that Clement had not briefed her about the isolation room. This was not a requirement as the claimant had been trained regarding infection control and handling hazardous medical materials. The sign told the claimant if she had questions to contact a nurse. If the claimant needed to know anything about cleaning the isolation room, she needed to contact a supervisor.

Bellinger did not know about claimant's request not to be scheduled on Sunday. It was not a deliberate disregard of the request. Finally, the claimant and Clement may not have been on the best of terms, but this appears to have been a personality conflict and did not create intolerable working conditions. Additionally, the claimant did not take the reasonable step of resolving her complaints with her supervisors before taking the drastic step of quitting her job without notice.

In the claimant's appeal, she states she is not drawing benefits against the employer. This is true, but does not affect the result in this case. The law imposes a disqualification on claimants who quit employment without good cause or who are discharged for misconduct, even if the separation is from an employer who is not currently chargeable for benefits paid to a claimant.

DECISION:

The unemployment insurance decision dated November 5, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css