

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TENNILLE L DAVIS**  
Claimant

**APPEAL NO. 10A-UI-08568-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EMPLOYMENT SERVICES  
LLC**  
Employer

**OC: 05-23-10  
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 16, 2010, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 3, 2010. The claimant did participate. The employer did not participate.

**ISSUE:**

Did the claimant voluntarily quit her 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 certified nurse's aide at the employer's Manor Care facility beginning on June 30, 2009 through April 11, 2010 when she voluntarily quit. The claimant was routinely asked by nursing staff to perform work that she was not allowed to do with only a certified nurse's aide certificate. The nurses asked the claimant to administer nebulizer treatments and to pass medications to residents. The claimant complained to the employer and to her nurse supervisor, but her complaints were not addressed. Additionally, the claimant routinely complained about residents left to sit in their own urine and feces without their beds or pants being changed. Again her complaints went unheeded by the employer. The employer was also so short staffed that the claimant was never given the breaks she was promised. The claimant was told by state inspectors that if she continued to perform actions she was not allowed to perform, her certified nurse's aide certificate could be taken away from her. After her complaints were unheeded and the employer continued to require her to perform unlawful actions, the claimant voluntarily quit.

**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(2), (3), (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:

- (2) The claimant left due to unsafe working conditions.
- (3) The claimant left due to unlawful working conditions.
- (4) The claimant left due to intolerable or detrimental working conditions.

The employer was routinely and regularly requiring the claimant to perform services she was not lawfully entitled to perform, including administering nebulizer treatments and passing medications. The claimant complained to the employer but her complaints went unheeded. Additionally, the employer was so understaffed that residents were not receiving adequate care. The claimant's complaints about the staffing level also went unheeded. Lastly, the employer did not provide breaks to the claimant that had been promised. The claimant has established good cause attributable to the employer for quitting her employment. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The June 16, 2010, 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

tkh/pjs