

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

KRISTY L JOHNSON  
1804 N 2<sup>ND</sup> AVE E  
NEWTON IA 50208

CAREAGE OF NEWTON LLC  
CAREAGE OF NEWTON  
2130 W 18<sup>TH</sup> ST S  
NEWTON IA 50208

Appeal Number: 04A-UI-03912-SWT  
OC 10/19/03 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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 31, 2004, reference 02, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 29, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Greg Greenwood participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked full time as a nursing assistant for the employer from January 9, 2002 to March 18, 2004. At the time the claimant was hired, she had not completed all the requirements to be certified as a nursing assistant. The claimant was informed and understood that under the employer's work rules, she was hired provisionally and was required to be certified as a nursing assistant within four months.

The claimant completed the course work and the physical part of the examination to become a certified nursing assistant. The claimant, however, failed the written part of the examination and was not a certified nursing assistant within four months of her date of hire. Because of turnover in staffing, the employer was unaware that the claimant was not certified.

On March 10, 2004, the employer discovered the claimant was not certified. The employer informed the claimant that it could not allow her to continue to work as a nursing assistant until she had passed the written examination. The employer informed the claimant on March 18, 2004, that she could continue to work in the housekeeping, dietary, and laundry department for the same hours and wages but the claimant decided to leave employment because she was not happy working there.

#### REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code Sections 96.5-1 and 96.5-2-a. The claimant quit her employment when she was informed she could no longer work as a nursing assistant but could work in another department for the same hours and wages until she passed her exam. The employer was very accommodating even though the claimant had not satisfied the requirements for being a certified nursing assistant, but the claimant decided to quit her job instead, because she was dissatisfied with working for the employer. Good cause for leaving employment has not been established.

#### DECISION:

The unemployment insurance decision dated March 31, 2004, reference 02, 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.

saw/kjf