

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEMONA L KIRSCHNER**  
Claimant

**APPEAL NO: 12A-UI-02662-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RISEN SON CHRISTIAN VILLAGE**  
Employer

**OC: 01/29/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's March 9, 2012 decision (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in March 2009. She worked as a full-time certified nurse aide and med aide.

During her employment, the claimant worked to the best of her ability. She did not know that anyone considered her job performance unsatisfactory until the employer gave her a performance evaluation in late November 2011. The claimant then learned the day nurse, or the nurse who worked the shift after the claimant's shift, completed concern reports about the claimant's work. This nurse even indicated the claimant should be terminated. The day nurse who completed these concern reports was not the claimant's immediate supervisor. After the claimant learned about these reports, or on November 26 the claimant gave the employer her notice that she would be quitting at the end of December.

A co-worker talked to the claimant and the director of nursing. The co-worker talked the claimant out of quitting. The co-worker set up another meeting with the claimant and the director of nursing. The claimant met with the director of nursing in mid-December. During this meeting, the claimant told the employer she wanted to continue working for the employer. The director of nursing allowed the claimant to rescind her resignation, but she would be scheduled for 8-hour shifts instead of 12-hour shifts and she could not pass medication until the employer reviewed her performance again in March 2012.

The claimant continued working and did not know that some CNAs who worked the shift after she worked, completed concern reports about the claimant's work performance. These reports indicated the claimant left residents wet and that she did not clean bathrooms. The claimant did not know about these concern reports until her supervisor talked to her about them in mid-January. The claimant was upset about these reports because she denied the accuracy of the employees' reports. After learning about these additional concern reports, the claimant decided to quit. She gave the employer a verbal and written resignation on January 18 stating her last day of work would be January 31, 2012. The claimant quit because she believed she was being unfairly written up and harassed by co-workers. The claimant also believed she was going to be discharged. The claimant's last day of work was January 31, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit and ended her employment when she resigned as of January 31, 2012. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The law presumes a claimant quits without good cause when she quits after she has been reprimanded. 871 IAC 24.25(28). The law also presumes a claimant quit with good cause when she leaves employment because of intolerable working conditions. 871 IAC 24.26(4).

The claimant established personal reasons for quitting. It is understandable that the claimant was upset after she learned co-workers reported issues with her job performance. Since the employer reduced the claimant's shifts from 12 to 8 hours and would not let her work as a medication aide until her next performance review in March 2012, the employer had some concerns or issues with the claimant's job performance. Whether the most recent concern reports were justified is not known because the evidence does not indicate if the employer looked into these new concerns. Even though the claimant asserted the most recent concern reports constituted harassment, the facts do not support this assertion. The claimant quit after she learned about the recent concern reports that criticized her work performance. The claimant quit for personal reasons, but did not establish that she quit for reasons that qualify her to receive benefits.

**DECISION:**

The representative's March 9, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 29, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css