

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KELLY FAUST**

Claimant

**COMMUNITY CARE CENTER**

Employer

**APPEAL NO: 13A-UI-09029-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/07/13**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 29, 2013, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 10, 2013. The claimant participated in the hearing. Christian Canham, Administrator; Lisa Blair, DON; Amanda Cornish, LPN; and Tammi Doherty, RN, participated in the hearing on behalf of the employer. Claimant's Exhibit A was admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left 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 as a full-time LPN for Community Care Center from July 6, 2004 to May 1, 2013. She requested and was granted a six week leave of absence beginning January 1, 2013 and ending February 10, 2013. The claimant did not maintain contact with the employer except to exchange a few text messages January 21, 2013 and February 26, 2013, with the RN she believed was doing some of the scheduling (Claimant's Exhibit A). Because the claimant did not maintain contact with the employer or return after her leave ended February 10, 2013, the employer determined she voluntarily quit her job. The claimant contends she believed she was on PRN status. She did not wish to return because she had difficulty with the CNAs and during the six weeks the claimant was gone some staff members told her they were tired of doing her job.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant was upset about the CNAs and the work environment, she has not demonstrated that either of those issues or the fact that some of her co-workers complained about having to do her job while she was on an approved leave constituted unlawful, intolerable or detrimental working conditions as required by Iowa law. Therefore, benefits must be denied.

**DECISION:**

The July 29, 2013, reference 02, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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