

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WENDY J FARREY
Claimant

APPEAL NO. 07A-UI-07661-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HAWKEYE CARE CENTER OF DUBUQUE
Employer

OC: 07/08/07 R: 04
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Wendy J. Farrey (claimant) appealed a representative's July 30, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Hawkeye Care Center of Dubuque (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 27, 2007. The claimant participated in the hearing. Cathy Grutz, the director of nursing, and Penny Moellers, the administrator, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer in June 2006. The claimant worked as a full-time CNA. When the claimant started this employment, other employees tried to intimidate her. The claimant noticed that some co-workers did nothing to assist residents and left the resident's care to the claimant. When the claimant observed that the resident had been neglected by a co-worker the claimant took care of the resident. The claimant did not report any problems she had with any particular co-worker.

The claimant concluded the employer disciplined her for the way she performed transfers when the employer did not discipline any other employee. On June 13, Moellers saw the claimant go to the bathroom with an E-Z stand by herself. Moellers assumed the claimant transferred a resident by herself, but did not personally observe how the claimant transferred the resident. Moellers reported her observation and conclusion to Grutz. Grutz gave the claimant a written warning for transferring this resident without the assistance of other employees. The claimant

did not agree with the discipline because she asserted she had another employee help her transfer the resident.

The next day, June 14, the claimant resigned because the employer gave her the written warning the day before. The claimant told the employer she was resigning because of a hostile work environment. The claimant worked to the end of her two-week notice or until June 28, 2007.

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. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant quits without good cause when she leaves employment after being reprimanded. 871 IAC 24.25(28). The law also presumes a claimant quits with good cause if she leaves employment because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The facts do not establish that the claimant worked under intolerable or detrimental working conditions. Since the claimant quit the day after the employer gave her a written warning, the facts establish by a preponderance of the evidence that the claimant quit for personal reasons that do not qualify her to receive unemployment insurance benefits. As of July 8, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's July 30, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 8, 2007. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css