

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**BOBBIE J HOUK**  
Claimant

**MERCY MEDICAL CENTER**  
Employer

**APPEAL NO. 19A-UI-05869-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/16/19  
Claimant: Appellant (5)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 18, 2019 reference 01, which held claimant not able and available for work. After due notice, a hearing was scheduled for and held on August 15, 2019. Claimant participated personally. Employer participated by Amanda Felton, Justin Anderson, Pamela Hyde, and Heather Wolf. As the hearing in this matter progressed, the issue before the administrative law judge appeared to be different than the issue noticed in the Notice of Appeal and Telephone Hearing. Both parties agreed to waive time and agree to the separation issue being addressed.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant worked as a part time laundry worker for employer. In January of 2019 claimant realized that she was unable to retain the insurance that she had if she worked over 16 hours a week.

Claimant went to employer in February asking that her hours be reduced. Employer stated that claimant would be needed to be shifted to PRN status. Employer did not move ahead with the paperwork to move claimant to PRN status although they had adjusted claimant's hours as she wished. Claimant worked the lesser hours from February through May, 2019. In May, employer realized claimant hadn't filled out the PRN paperwork. Claimant signed off on the paperwork in May. Said paperwork indicated that claimant would not be receiving vacation hours when on PRN status. The paperwork further stated that this would be in effect from the date that claimant was put on PRN status. Employer backdated the PRN paperwork to the date in February when claimant's hours were changed, per her request.

The paperwork was not immediately forwarded to human resources. On June 14, 2019 claimant found out through a paycheck that she had vacation hours taken from her that she'd believed she'd earned. Employer not only removed vacation hours that had been appearing on

her paychecks between February and June, but employer also subtracted vacation days that claimant had taken during those periods from her previously earned vacation hours leaving her with none.

When claimant found out about this, she was very upset and told others in the laundry including her manager that she was done. Claimant then went to human resources to express her frustration. The human resources manager didn't know the specifics and claimant was not happy to hear the statements given by the other human resources worker. Claimant repeated that she was done and told employer that they would hear from her lawyer.

Claimant stated that she was terminated from her position and didn't quit. Claimant didn't mention anything about being upset, but stated she went to human resources with her complaint about vacation hours. Claimant stated that after her complaint she was not given any further hours and was eventually told that she'd been terminated.

### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was upset that she'd had her vacation hours taken away from her.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *State v. Holtz*, Id. In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *State v. Holtz*, Id. In this matter, it is far more believable that claimant was upset to find out about the change in vacation hours and was upset to anyone and everyone that she met and told everyone that she was done. Claimant's statement that this was her normal statement at the end of her shift was not credible. This calls claimant's testimony into question. But this alone does not answer the question of a good cause for her quit.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680

(Iowa 1986). “Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee’s quit in order to attribute the cause for the termination.” *Id.* Here, the claimant’s quit was brought about by employer’s taking away of her vacation hours. Employer did not alert claimant as to its actions beforehand, so claimant was blindsided when her vacation hours had been taken away. Though blindsided, claimant’s action of immediately quitting upon receiving this news was not reasonable or with good cause absent further action to be sure of what happened.

What was reasonable was for claimant to head to human resources wither concerns. Although she wasn’t instantly able to get her answers, the head of human resources got an assistant to try and explain to claimant what had happened and why it had happened. Claimant’s quitting again upon hearing this information was also without good cause.

**DECISION:**

The decision of the representative dated July 18, 2019, reference 01 is affirmed, but for different reasons than mentioned in the fact finder’s decision. This case is not a matter of claimant’s being able and available for work, but rather a case of separation. Claimant quit her job without good cause attributable to employer. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant’s weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn