

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LUANN J VRATISOVSKY**  
Claimant

**CENTRAL IOWA HOSPITAL  
CORPORATION**  
Employer

**APPEAL 15A-UI-02632-JCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/01/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 18, 2015, (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on April 23, 2015. The claimant participated. Although properly notified, the employer did not participate.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part time as a medical technologist and was separated from employment on February 1, 2015, when she voluntarily resigned with notice.

When resigning, the claimant told her employer she was quitting to “explore other opportunities.” Prior to resignation, the claimant had been frustrated with her peers who would routinely call out of work, and without apparent consequence. She raised her concerns before the employer who did not resolve the matter prior to the claimant’s resignation. The claimant then resigned and moved to Minnesota where there were more job opportunities.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant’s separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21) and (2) provide:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

(2) The claimant moved to a different locality.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

In this case, the claimant voluntarily resigned to explore new opportunities after frustration with her fellow co-workers repeatedly calling off of their shifts and not being a team player. While the claimant's leaving the employment may have been based upon good personal reasons, the claimant's decision to quit because she did not agree with the work conditions or the supervisor's handling of staffing were not for good cause reasons attributable to the employer. Benefits are denied.

**DECISION:**

The February 18, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the 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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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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