

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**PAMELA R SCHAU
PO BOX 32
CALAMUS IA 52729**

**VISITING NURSE ASSOCIATION
1227 E RUSHOLME ST
DAVENPORT IA 52803**

**Appeal Number: 04A-UI-03134-HT
OC: 02/22/04 R: 04
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Quit

STATEMENT OF THE CASE:

The claimant, Pamela Schau, filed an appeal from a decision dated March 15, 2004, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on April 12, 2004. The claimant participated on her own behalf. The employer, Visiting Nurse Association (VNA), participated by Human Resources Manager Heidi McMahon, and Billing Manager Heather Myers. Exhibits A, B, C were admitted into the record.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Pamela Schau was employed by VNA from July 31, 1995 until January 15, 2004. She was a full-time patient account representative/billing technician.

The claimant took a leave of absence from October through December 2003, stating the job was "too stressful." When she returned to work there were no restrictions imposed on her by a physician. She wrote a letter to "human resources and directors" on December 22, 2003, in which she outlined many complaints. She was unhappy that she was not able to work overtime without prior approval from a manager, although this change had occurred in November 2002, and did not like having to take a lunch break. In addition, she felt stressed, although she had been relieved of some of her duties and they had been assigned to others. Generally she felt she was "being screwed" by the employer.

Human Resources Manager and Heidi McMahan and Billing Manager Heather Meyers met with Ms. Schau on December 31, 2003, and responded to her complaints and concerns. They expressed their own concerns that she was not happy in her job anymore, and that she was not able to give her full support to the organization since a new affiliation had been formed two years before. She was asked to take time during the holidays to determine whether she could be happy in her job and could give the organization her loyalty and support.

On January 4, 2004, she submitted a resignation stating she would quit effective January 15, 2004.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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.

871 IAC 24.25(21) provides:

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 section 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 section 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.

It is clear from the record that Ms. Schau was unhappy in her work environment since changes had been made in 2002 after a new affiliation had been formed. The employer attempted to address her concerns, relieving her of some duties to reduce the stress, but these were insufficient to placate her. There is no evidence the employer was being unreasonable or unresponsive, but the claimant simply did not like the changes being made in the organization. This is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of March 15, 2004, reference 01, is affirmed. Pamela Schau is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/kjf