

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**SHAUNA L GRIFFIN**  
Claimant

**APPEAL 15A-UI-04750-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MONROE COUNTY HOSPITAL**  
Employer

**OC: 03/29/15  
Claimant: Appellant (1)**

---

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 10, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 28, 2015. Claimant participated. Employer participated through (representative) Kaylee Siebrecht, Director of Human Resources and Angela Freeman, Director of Quality. Employer's Exhibit One was entered and received into the record. Claimant's Exhibit A was entered and received into the record.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a communications coordinator beginning in October 23, 2001 through January 28, 2015 when she voluntarily quit her employment.

The hospital had undergone a series of changes in the last two to three years of the claimant's employment, including a number of different interim and permanent CEOs. The claimant was given a performance plan on January 26, 2015 that detailed the changes that the CEO wanted her to make. There was no plan to discharge the claimant, merely to help her better meet expectations of the interim CEO. The claimant was unhappy with the changes and felt she should not be questioned by the employer for things like asking for access to social security numbers. It was not unreasonable for the employer to ask questions or to ask for the claimant to change the way she operated. The claimant simply did not like the changes. Instead of even trying to meet the performance expectations, the claimant chose to voluntarily resign.

The expectations set out in employer's exhibit one are reasonable for a communications director and are the same expectations the claimant's replacement must meet. The claimant was not being singled out for harsher or stricter treatment than other employees.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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(27) and (28) 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:

(27) The claimant left rather than perform the assigned work as instructed.

(28) The claimant left after being reprimanded.

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).

The claimant alleges a hostile or intolerable work environment. Nothing in the performance plan indicates that the claimant was being asked to work in a hostile environment. The claimant simply did not want to change the way she performed her job, nor did she want to be questioned. The claimant has not established a hostile or intolerable work environment. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The April 10, 2015 (reference 01) 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.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/css