

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

BECKY BRUECK
1408 S LEEBRICK
BURLINGTON IA 52601

DAVID MCMANIS OD PC
AMERICAN EYE CARE CENTER
2743 MT PLEASANT
BURLINGTON IA 52601

WRIGHT LAW FIRM
JOHN WRIGHT
ATTORNEY AT LAW
532 AVE F
FT MADISON IA 52627-2909

Appeal Number: 05A-UI-08953-ET
OC: 08-07-05 R: 04
Claimant: Appellant (2)

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 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 25, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 15, 2005. The claimant participated in the hearing with Attorney John Wright. The employer did not respond to the hearing notice and did not participate in the hearing.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time administrative assistant and human resources manager for American Eye Care Center from November 1998 to August 5, 2005. She voluntarily quit her employment when she was no longer comfortable with being asked to complete certain unethical tasks. More than once, the employer asked the claimant to either record their personal purchases in the company books or pay for their personal items with company funds. The claimant sometimes complied as she felt she would lose her job but did tell the employer on occasion she could not do what they were asking. When the requests continued, the claimant ended her employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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 24.26(3), (4) provide:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (3) The claimant left due to unlawful working conditions.
- (4) The claimant left due to intolerable or detrimental working conditions.

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. 871 IAC 24.25. Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant quit her job because the employer continued to request that she perform questionable bookkeeping. The employer was aware the claimant had a problem with mixing the employer's personal and business finances and, when the claimant refused to run a \$7,500.00 airplane propeller through the business as eyeglass frame purchases, the employer became angry and treated her differently, although the requests continued. The final incident prompting her to quit was when the employer handed her a receipt for \$937.50, which was for home items that the employer wanted billed to the office account. The claimant has established that her leaving was for good cause attributable to the employer. Benefits are allowed.

DECISION:

The August 25, 2005, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

je/tjc