

**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**

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**Appeal Number: 04O-UI-08475-MT
OC: 03/28/04 R: 01
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 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 21, 2004, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 26, 2004 after remand order of the Employment Appeal Board dated August 3, 2004. Claimant participated. Employer participated by Amy Noah, Human Resources Manager, and Brad Lorenzen, Environmental Services Manager. Exhibits A, B, C, and One were admitted into evidence.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 17, 2004. Claimant worked in the mental health unit as a full-time housekeeper. Claimant became very dissatisfied with her work environment because of a lack of consistency and effective leadership in the unit. This was caused by high turnover in the nurse manager position. Claimant was concerned and distressed by instances of pills on the floor along with other potentially harmful objects like razors, matches, and nails. Claimant also observed residents in the process of sexual contact with other incapacitated residents. Claimant brought these incidents to the attention of management and told them she was taking a week off. The time off was not authorized. Claimant was offered the opportunity to change jobs within the system but declined. Claimant did not hang around to see if management would solve the issues. Claimant quit after a conference over her unilateral decision to take a week off and solve the issues.

Employer took claimant's complaints seriously, investigated and took corrective action regarding complaints where they could be resolved. .

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. 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 of dissatisfaction with the work environment. While claimant may have been dissatisfied with the work environment, the evidence fails to establish that employer created or condoned intolerable or unsafe working conditions, which would entitle claimant to benefits. Employer offered claimant a change in her job to resolve her complaint, but claimant declined the accommodation and immediately quit. This is a quit for personal reasons and not a quit for good cause attributable to employer. Benefits denied.

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(2), (21) 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 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:

- (2) The claimant moved to a different locality.

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

DECISION:

The decision of the representative dated April 21, 2004, reference 01, is affirmed. 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.

mdm\tjc