

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

**ASHLEY WALLINGFORD**  
Claimant

**APPEAL NO. 18A-UI-06933-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOOD SAMARITAN SOCIETY INC**  
Employer

**OC: 05/27/18**  
**Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit  
Section 96.3-7 – Overpayment

**STATEMENT OF THE CASE:**

Good Samaritan Society (employer) appealed a representative's June 19, 2018, decision (reference 01) that concluded Ashley Wallingford (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 13, 2018. The claimant participated personally. The employer participated by Kari Hudnutt, Director of Nursing, and Holly Turner, Administrator. The employer offered and Exhibit 1 was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on July 7, 2014, as a full-time registered nurse. She worked twelve hour shifts with another nurse. The other nurse took a lunch break and cigarette breaks. She cared for approximately thirty residents. The claimant was allowed no breaks during her twelve hour shift because she was required to care for approximately sixty residents. About twenty of those residents were in skilled care and needed assessments performed. Approximately sixteen residents were in the memory care unit. Those residents were at risk for falls, elopement, and resident-on-resident hitting.

In December 2017, the claimant had a meeting with the human resources manager and the director of nursing. She told them she would quit work and find other employment if the employer did not address the issues of short-staffing, over assigning patients and failure to give her a lunch break. The director of nursing (DON) thought she was rude and remembered little of what the claimant said except that the claimant complained about the employer not hiring enough staff.

The claimant complained about her work situation about twice a month to her nurse managers and the human resources manager. The DON heard the claimant threaten to quit multiple times because she was frustrated by the amount of work and understaffing. On May 29, 2018, the claimant sent the employer a resignation email stating she was quitting due to working conditions. Her resignation was effective immediately. The claimant's last day of work was May 26, 2018.

The claimant filed for unemployment insurance benefits with an effective date of May 27, 2018. The employer participated personally at the fact finding interview on June 13, 2018, by Brenda Madison.

### **REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.26(4) provides:

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:

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

The law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). It would be reasonable for the employee to inform the employer about the conditions the employee believes are intolerable or detrimental and to have the employee notify the employer that she intends to quit employment unless the conditions are corrected. This would allow the employer a chance to correct those conditions before a quit would occur. However, the Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of the intolerable conditions. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits, provided he meets all the qualifications.

**DECISION:**

The representative's June 19, 2018, decision (reference 01) is affirmed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs