

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANGELA K FERBER
Claimant

HCI VNS CARE SERVICES
Employer

APPEAL NO. 19A-UI-07656-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/01/19
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 19, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 21, 2019. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

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 August 28, 2019. Claimant voluntarily quit her employment on that date for a variety of reasons.

Claimant worked as a registered nurse case manager for employer dealing with hospice clients. For claimant's two years of work, she had been working out of an office where the individual workers had their own work spaces to keep files, and had internet and phone capabilities. Employer, with very little notice, told claimant and others that they no longer could use this space, and needed to operate out of their homes. Employer did not offer to provide any substitute office space to make up for the things taken away. Claimant, as a single parent of three children, did not have the space at her home to conduct her business, and did not have proper internet connections.

Claimant additionally stated that on the date where she submitted her resignation, she'd just received a verbal warning for not following regulations and conducting a death visit after a client had passed away. Claimant stated that this was the first time she hadn't conducted a death visit, and she felt singled out as other nurses had also not conducted death visits and they hadn't been issued warnings.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer forced claimant to work out of her home with no warning and treated claimant differently than other employees by giving her a warning for actions other nurses had also done with no warnings.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, it was not reasonable for employer to provide no place for claimant to keep HIPAA protected files when her work space was taken away. Additionally, claimant testified that she was treated differently than other similarly situated employees.

DECISION:

The decision of the representative dated September 19, 2019, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn