

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERI J HART**  
Claimant

**APPEAL NO: 12A-UI-00116-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DANIEL T LANTZ OD**  
Employer

**OC: 01/16/11  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.26(4) – Intolerable/Detrimental Working Conditions

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated December 27, 2011, reference 02, that held the claimant voluntarily quit with good cause attributable to her employer on December 5, 2011, and benefits are allowed. A telephone hearing was held on February 3, 2012. The claimant, and her husband, Greg, participated. Daniel Lantz, O.D., Peg Baier, Personnel Supervisor/Claims Specialist, Jane Lantz, Receptionist, Denise White, Kristin Wagoner, Paula Price, Opticians, and Greg Johnson, patient/customer, participated for the employer. Claimant Exhibits 1, 2 & 3, and Employer Exhibits A thru O were received as evidence. The hearing was recessed.

The hearing was re-scheduled and concluded on February 29, 2012. The same participants were present with the exception of Baier, Wagoner, and Carpenter. Employer Exhibits AA – FF were received as evidence.

**ISSUE:**

Whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant was hired as a full-time probationary optician trainee on July 19, 2011. The employer knew claimant had no prior experience in an optometry practice. Her probation was extended for one month on November 17 due to an unsatisfactory performance evaluation. She resigned without notice on December 5 after working a partial day.

The employer assigned Optician White to train claimant. Claimant experienced frustration in receiving adequate training from White and she complained to the employer management on a periodic basis. Claimant believed the employer failed to resolve her training issues to the point she experienced emotional stress. She sought medical treatment from her personal physician and a clinical social worker for her emotional issues beginning in August.

Claimant felt she was not receiving adequate training and she would be put off when she requested help with patients. On October 18, Dr. Lantz admits he yelled at claimant when she came to him for help. On December 5, Optician White admonished claimant in front of customers with a job correction stating it was a "teachable moment" that made claimant feel foolish. Claimant left for the lunch hour and shared her stressors with her husband. Claimant called her employer after lunch, and announced her decision to quit employment.

The employer knew at the time of the probation extension/performance evaluation date that claimant was not a good fit for her job. It noted continuing claimant performance errors after the evaluation. The employer knew claimant was getting therapy and she was extremely stressed at the workplace. When Dr. Lantz was informed claimant quit on December 5 stating she couldn't take it anymore, he made no attempt to contact her to try to save employment, because he knew she was not a good fit for the job. The employer acknowledges that the office practice is stressful. Lantz did advise claimant he wished he had more time for her training but that was not his area. Lantz divided his office area and training was designated to White and other opticians.

Optician Waggoner submitted a written statement saying that she had felt stress and went home frustrated in the beginning of employment. There is a lot to learn and it can be overwhelming at times. She told claimant that she needed to stick with it and it will start making sense. Waggoner acknowledges claimant was having a hard time learning everything that goes with the job. The teaching method is on-the-job training.

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

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.

871 IAC 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 administrative law judge concludes the claimant voluntarily quit with good cause attributable to her employer due to intolerable and detrimental working conditions on December 5, 2011.

Much of the employer evidence and testimony offered in this hearing focused on claimant as an unsatisfactory employee that is more relevant to a discharge decision rather than a voluntary quit that is the issue in this hearing. This focus is consistent with the employer failure to respond to claimant's repeated attempts to resolve the stressful work environment.

The evidence is claimant was not a good job fit for the employer based on the employer's on-the-job training methodology. After 4 ½ months of employment, she had not advanced beyond trainee status and her probation had been extended. At least two employer opticians concur that it is a stressful workplace and they did experience like working conditions during the beginning of employment.

The employer observed claimant was extremely stressed and it concluded she was not a good fit for the practice. The employer also knew claimant was in therapy though it thought it was not work related. These considerations are why the employer made no attempt to save claimant as an employee when she said she was quitting on December 5.

Claimant made it known to the employer she was stressed, she lacked training and she was put-off when seeking assistance. Her therapist confirms that claimant shared the workplace environment as a reason for her emotional distress. The employer failed to adequately respond to claimant's workplace issues that give rise to the detrimental working conditions, which constitute a good cause for quitting employment.

**DECISION:**

The department decision dated December 27, 2011, reference 02, is affirmed. The claimant voluntarily quit with good cause attributable to her employer on December 5, 2011. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs