

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHAMMORROW SHADRICK**  
Claimant

**APPEAL 20A-UI-09892-HP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BETTENDORF HEALTHCARE MGMT**  
Employer

**OC: 05/31/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Claimant Shammorrow Shadrack filed an appeal from an August 18, 2020 (reference 01) unemployment insurance decision that denied benefits for voluntarily quitting her work with Bettendorf Healthcare Management (“Bettendorf Healthcare”) on April 22, 2020. The parties were properly notified of the hearing. A telephone hearing was held on September 28, 2020. Shadrack appeared and testified. Helen Rosemary Schultz appeared and testified on behalf of Bettendorf Healthcare. I took administrative notice of the claimant’s unemployment insurance benefits records maintained by Iowa Workforce Development.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntary quit without good cause?

**FINDINGS OF FACT:**

Shadrack has worked as a certified nursing assistant (“CNA”) off and on for eighteen years. Bettendorf Healthcare operates a residential care facility for persons with disabilities and elderly people. On December 13, 2019, Shadrack commenced part-time employment as a CNA with Bettendorf Healthcare. Shadrack transitioned to full-time employment and was working full-time when her employment ended. Shadrack assisted the residents with activities of daily living. Schultz is the director of nursing and was Shadrack’s immediate supervisor.

Shadrack testified shortly after she was hired, Bettendorf Healthcare was short-staffed. Shadrack and the other CNAs complained about the staffing shortage. Schultz reported she was trying to hire more staff.

On April 22, 2020, Shadrack was assigned to work the north hall. Shadrack reported she was the only CNA assigned to the north hall that day. Mary, the nurse she worked with that day was short with her. Shadrack reported she complained to Schultz about Mary and Schultz told her she would take care of it. Later during her shift, Mary, did not put a prescription cream on a resident. The resident asked Shadrack for help putting on the cream. Shadrack is prohibited from dispensing medication and took the cream to Schultz. Schultz stated she would take care of it.

Around lunchtime, Mary, took the cream and shook it at Shadrick. Shadrick went into Schultz's office and told her she needed a break. Schultz told her she needed to clock out. Shadrick clocked out and left. She did not return. Shadrick testified Schultz knew she was quitting.

Shadrick testified her working conditions were intolerable at Bettendorf Healthcare because there was never enough staff. Schultz acknowledged the staff complained to her about staffing shortages.

### **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: . . . If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department." The Iowa Supreme Court has held a "voluntary quit" means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer." *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989). A voluntary quit requires "an intention to terminate the employment relationship accompanied by an overt act carrying out the intent." *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016).

871 Iowa Administrative Code 24.25(21) provides:

**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 following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer: . . . .

**24.25(21)** The claimant left because of dissatisfaction with the work environment.

871 Iowa Administrative Code 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:

**24.26(4)** The claimant left due to intolerable or detrimental working conditions.

Shadrick testified Mary, the nurse she was working with, was not treating her appropriately. Shadrick reported Bettendorf Healthcare was chronically understaffed, which affected patient care. Shadrick reported on April 22, 2020, she had had enough and she quit. Schultz disputed Shadrick was working by herself, but could not identify the name of the other CNA who worked on her hall on April 22, 2020. Shadrick testified she was the only CNA assigned to her hall that day. I find Shadrick's working conditions were detrimental where a reasonable person would feel compelled to quit. Benefits are allowed.

**DECISION:**

The August 18, 2020 (reference 01) unemployment insurance decision denying unemployment insurance benefits is reversed in favor of the claimant/appellant. Benefits are allowed, provided the claimant is otherwise eligible.



Heather L. Palmer  
Administrative Law Judge  
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September 29, 2020  
Decision Dated and Mailed

hlp/mh