

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MAE UEDING**  
Claimant

**APPEAL NO: 15A-UI-11913-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IA DEPT OF HUMAN SVCS/GLENWOOD**  
Employer

**OC: 05/03/15**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 20, 2015, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on November 10, 2015. The claimant participated in the hearing. Natalie McEwan, Public Services Supervisor, and Sandra Linsin, Employer Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time resident treatment worker for Iowa Department of Human Services/Glenwood from September 21, 2015 to October 5, 2015. She voluntarily left her employment because she felt she was unsuitable for the job.

The claimant is Korean and moved to the United States as an adult. She speaks English well but has difficulty reading and especially writing English and using proper English spelling and grammar. The claimant was having a hard time keeping up with the orientation class and told the instructors she was having problems. The instructors encouraged the claimant to stay and continue working on her English and to at least think her decision over for a while longer before deciding to quit her job and the claimant did so, but in the end the claimant felt overwhelmed and that she was falling behind the other students which caused her a great deal of stress. Consequently, she submitted her resignation October 5, 2015 and enrolled in an English as a Second Language class at Western Iowa Tech; where she attends school from 9:00 a.m. to 12:00 p.m., Monday through Thursday.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

In this case the claimant accepted a job with the employer believing her English writing, spelling and grammar skills were sufficient to perform the position for which she was hired. As the orientation class progressed, however, the claimant felt she was falling behind and she discovered she was not as proficient in writing in English as she thought she was. She could not keep up with the class and could not remember required words and phrases, especially those of a medical nature. She was experiencing difficulty sleeping as a result and felt like she was having a “breakdown.”

The employer did not have any issue with the claimant's ability to perform the position of a resident treatment worker. The trainers were satisfied with the claimant's performance during orientation and encouraged her to continue orientation and stay with the job. The employer had continuing work available for the claimant had she not decided to leave and told her she was eligible for rehire when she felt more comfortable writing English and using the computer and it wrote a letter to that effect on the claimant's behalf.

While the claimant felt she was not qualified to perform the job, the employer was satisfied with her performance during orientation; which included written tests as well as training in CPR, MANDT, and heart saver, among other programs. The claimant strived to do her best but although she was meeting the employer's standards, she was not meeting her own expectations. The claimant is a very conscientious employee and did not want to be in the position of feeling that she was not able to do the job as well as the other resident treatment workers or that she was not meeting the needs of the residents.

While the claimant had good personal reasons for leaving her employment, she has not established that her leaving was due to an unlawful, intolerable or detrimental workplace, or that her leaving was for good cause attributable to the employer as is required by Iowa law. (Emphasis added). Therefore, benefits must be denied.

**DECISION:**

The October 20, 2015, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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