

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA A KLEIN
Claimant

APPEAL NO: 12A-UI-04937-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**WINDSTREAM IOWA
TELECOMMUNICATION**
Employer

OC: 04/08/12
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 27, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing with her witnesses, Nicole Shores and Candace Streeter. Nate Bradbury, the staff manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for another employer, Iowa Telecom, in March 2000. She worked as a full-time customer service representative. When the employer bought the business in June 2010, the claimant's job transitioned from primarily a service representative to a sales representative. The claimant has no experience in sales and is not comfortable working as a salesperson or telemarketer.

During the last four to six months of the claimant's employment, the stress of trying to make a sale to every customer she talked to resulted in health problems. When the claimant told the employer about the stress she experienced, the employer coached her on how to transition a call into sale. The continued stress of selling or trying to sell to every customer she talked to adversely affected the claimant's physical and mental health. The claimant's daughter noticed the claimant isolated herself from family, became depressed, and suffered anxiety and panic attacks at work.

The claimant talked to the employer about the stress she felt at work and that she might have to quit because of ongoing health problems as a result of work-related stress. The employer did not have another job for the claimant to do. The claimant went to her physician, who put her on

medication. The same day the claimant verbally resigned, March 26, the claimant talked to her physician before she resigned. The claimant's physician advised the claimant to find another job because the stress of the job affected the claimant's health. The claimant told the employer she was resigning because of health reasons. The claimant worked until the effective date of her resignation, April 9, 2012.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant involuntarily terminates employment with good cause when she quits because continued employment causes serious health issues to her. To be eligible, the claimant must have previously informed the employer about the health issues and provide competent evidence that she has health-related reasons to justify quitting. 871 IAC 24.26(6)b. The claimant established the requirements of this regulation. After the employer enforced the goal to transition every call to a sale, the stress of this requirement created or aggravated health problems for the claimant. The claimant established she quit for reasons that qualify her to receive benefits. As of April 8, 2012, the claimant is qualified to receive benefits.

DECISION:

The representative's April 27, 2012 determination (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that qualify her to receive benefits. As of April 8, 2012, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw