

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANA THURMAN
Claimant

APPEAL NO: 07A-UI-10337-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 09-23-07 R: 12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 29, 2007, reference 01, decision that denied benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on November 27, 2007. The claimant participated in the hearing. Karen Saffly, DON; Belinda Cameron, Business Office Manager/Program Director; Susan Dillon, Administrator; and Jennifer Coe, Employer Representative, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

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 CRA/CNA for Care Initiatives from October 7, 2002 to September 20, 2007. She was on a medical leave of absence from August 21 to September 17, 2007, for a non-work-related situation. The employer expected her to return after two weeks but the claimant brought a note saying she could not work for an additional two weeks. At the end of that two-week period of time she brought another note excusing her for an additional two weeks. At the completion of that two-week time frame she brought another note stating she could not return for another two weeks. On September 18, 2007, the claimant returned to work and was assigned to work as a CNA. Prior to her leave of absence she had been working three days as a certified restorative aide (CRA) and two days as a CNA. When she originally returned the employer scheduled her as a CNA because it was not sure how reliable she would be in light of her medical condition and it was much easier to replace a CNA than a CRA. The claimant was upset that she was not scheduled as a CRA but did not bring her concerns to the employer or provide it an opportunity to change to accommodate the claimant's concerns. The claimant worked September 18, 2007, but was a no-call no-show September 19, 2007. She called the employer September 20, 2007, and said she would not be returning to her job. There was no change in her rate of pay or her hours. The claimant completed a resignation form

September 20, 2007, stating she was leaving for personal problems and the employer did not know any differently.

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 section 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. While the claimant was not instantly placed in the position of CRA when she returned September 20, 2007, she quit after one day back, thus depriving the employer of making any possible changes in response to her concerns. Additionally, the claimant did not share her concerns with the employer and the employer did not have the opportunity to remedy the situation before the claimant quit the following day. The claimant had a responsibility to speak her concerns to management if she wanted them resolved and she chose not to do so. For the above-stated reasons, under these circumstances the administrative law judge cannot conclude that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The October 29, 2007, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs