

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

VICTORIA GRANT-ALVAREZ
Claimant

STREAM INTERNATIONAL INC
Employer

APPEAL NO. 18A-UI-01541-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/07/18
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 26, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 5, 2018. Claimant participated. Employer participated by hearing representative Edward Wright and witness Rhea Cragun.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 19, 2018. Claimant voluntarily quit on January 8, 2018. Claimant stated that she was quitting due to her health and her problems with management and the difficulties she had with the FMLA provider.

Claimant worked as a customer service representative. For years she worked on Paypal accounts. In October of 2017, she and other employees were moved over to United Health accounts. Under United Health rules, employees were not allowed to have any items on the floor where they worked. For years, claimant had an FMLA allowance for her COPD and diabetic issues which allowed her to have her medications and breathing assistors on the floor with her. Additionally, claimant had been able to take bathroom breaks as needed as she took diuretics for her diabetes. When claimant began working for United Health, she was told that this would no longer be allowed and claimant would have to get approval any time she needed to leave the floor, and could not take medications on the floor.

Claimant complained to employer's human resources about this and employer immediately removed the restrictions on no medications on the floor for claimant. Additionally, employer located a room where claimant could use her breathing device and eliminated asking permission to use the restroom.

Claimant stated that her direct supervisor was not happy with her, and when claimant mentioned that she was looking for another job, the supervisor essentially expressed that employer didn't want her around. (The supervisor was reprimanded for saying these things to claimant).

Human Resources attempted to deal with claimant's concerns which arose when employer switched from servicing Paypal to United Health. Employer did change the allowance of items on the floor, secured a private room for claimant, allowed freedom to use the restroom as needed, and was progressing with FMLA changes. Claimant did not provide the doctor's documents that employer needed although she was reminded multiple times.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was uncomfortable with the new rules instituted by United Health when employer started providing services for them.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, common sense involves weighing claimant's complaints with employer's attempts to remedy the complaints. Employer addressed not only the issues brought by claimant, but also reprimanded claimant's supervisor who spoke disrespectfully to claimant. Claimant had been gone from work for weeks before her quit; it is unknown if any of employer's inappropriate actions would continue after claimant's illness. As human resources dealt with each of claimant's complaints, her quit is not seen as attributable to employer's actions.

DECISION:

The decision of the representative dated January 26, 2018, reference 01 is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn