

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DALENE J HAMILTON
Claimant

APPEAL NO. 13A-UI-08859-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MILESTONES AREA AGENCY ON AGING
Employer

OC: 07/07/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated July 29, 2013, reference 01, which denied unemployment insurance benefits finding that the claimant quit work without good cause attributable to the employer. After due notice was provided, a telephone hearing was held on September 5, 2013. The claimant participated. Participating as a witness for the claimant was Ms. Elaine Carter, a former fellow employee. The employer participated by Ms. Linda Richardson, Trainer/Manager. Employer's Exhibit A was received into evidence.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Dalene Hamilton began employment with Milestones Area Agency on Aging on July 1, 2011 when that company replaced Senica, the claimant's previous employer. Ms. Hamilton was employed as a full-time case manager for the elderly and was paid by the hour. Her immediate supervisor was Kim Georing. The claimant's trainer/manager was Ms. Linda Richardson. The claimant's employment ended on July 11, 2013 when Ms. Hamilton quit employment.

On July 11, 2013, Ms. Hamilton met with Ms. Georing and Ms. Richardson and at that time submitted her written resignation stating in part "I feel it would be best for me and for this organization if I would leave as of this date." No other reason for leaving was stated and the claimant thanked the employer for the opportunity to work in her job position.

Prior to leaving her employment without advance notice, Ms. Hamilton had indicated from time to time problems with her PC and fax machine at the job location that she had been assigned to. The employer was awaiting a service technician to resolve the PC issues at the time of the claimant's leaving. Other employees as well as Ms. Hamilton were experiencing issues with electronic equipment. Ms. Hamilton had been informed that the company would understand if there were delays in her processing work because of electronic issues. During this time Ms. Hamilton was experiencing problems in learning some aspects of her job as a case

manager for the elderly and her trainer/manager were offering her assistance. During this time Ms. Hamilton also met with Ms. Georing and Ms. Richardson and expressed that she was thinking about leaving employment due to personal domestic problems. The employer offered Ms. Hamilton time off work to resolve the problem.

Although the claimant's trainer and her immediate supervisor were aware that the claimant as well as other workers were experiencing some issues with electronic equipment, Ms. Hamilton had not indicated in any manner that she was considering leaving employment because of equipment issues.

At the time of the claimant's leaving, she was not under any disciplinary actions or warnings and the employer was satisfied with her progress in her training as a case manager and work continued to be available to Ms. Hamilton.

It is the claimant's position that the employer "knew" that she might be leaving employment because of equipment issues because they were aware that she was having problems with her PC and fax machine. It is the claimant's further belief that her letter of resignation also provided notice to the employer that her reason was based upon equipment issues. (See Exhibit A) Ms. Hamilton asserts that although her job was not in jeopardy and others were also having electronic equipment issues, her leaving was compelling because the electronic issues were delaying her service to her clients and delaying payments to service providers.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that 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.

871 IAC 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 employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

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

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). An individual who voluntarily leaves their employment must first give notice to the employer of the reason for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal

Board, 506 N.W.2d 445 (Iowa 1993). Claimants are not required to give notice of intention to quit due to intolerable, detrimental or unsafe working environments if the employer had or should have had reasonable knowledge of the condition. Hy-Vee v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2005). Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993).

The evidence in the record does not establish that the working conditions were intolerable or detrimental but it does establish the claimant was having difficulty learning some portions of her job and that the claimant was considering leaving employment because of domestic issues. The evidence in the record does not establish that Ms. Hamilton gave advance notice to the employer of her intention to quit if the issues with her PC or fax machine were not resolved. The employer was only aware that the claimant as well as other employees were experiencing some difficulty with electronic equipment and the employer was attempting to resolve the issues for the claimant and other employees as soon as possible. Accommodations had been made to allow the claimant to continue to perform her work even though her PC was not operable at the time. Work continued to be available to Ms. Hamilton and the employer considered the claimant's work to be satisfactory at the time that she unexpectedly left employment without advance notice on July 11, 2013. The employer was not given any indication at the time of the claimant's leaving that her leaving had been caused by equipment issues.

For the reasons stated herein the administrative law judge concludes that the claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated July 29, 2013, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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