

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIRANDA B FERGUSON

Claimant

APPEAL 19A-UI-04871-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OPTIMAE LIFESERVICES INC

Employer

OC: 05/19/19

Claimant: Appellant (2R)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant, Miranda B. Ferguson, filed an appeal from the June 7, 2019 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision which concluded the claimant quit the employment without good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on July 11, 2019. The claimant participated personally. The employer, through Malinda Ratliff, notified the Appeals Bureau that the employer would not be participating.

The administrative law judge took official notice of the administrative records including the fact-finding documents. Claimant Exhibit A was admitted into evidence. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit the 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 full-time as a job coach beginning January 25, 2019 and was separated from employment on May 20, 2019, when she quit the employment. Continuing work was available.

The claimant quit employment due to directives she received directing her to falsify documentation. As part of the claimant’s job duties, she was expected to document activities with individuals she worked. The documentation was used in part to secure funding for the employer. The claimant stated she was directed when hired by management to record activities that she had not performed, but that her peers had actually performed. The claimant was concerned about falsifying her documentation and felt she was targeted by her manager by way of disciplinary action for voicing concern. The claimant decided to quit when she experienced a panic attack midway through a reprimand by her manager on May 20, 2019.

The claimant has been working part-time for the Ottumwa Public Library since June 10, 2019.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant quit with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.

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.

Under Iowa Administrative Code 871-24.26:

The following are reasons for a claimant leaving employment with good cause attributable to the employer: ... 24.26(4) The claimant left due to intolerable or detrimental working conditions.

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. Iowa Dep't 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 element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

"Good cause attributable to the employer" does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Employment Appeal Board*, 433 N.W.2d 700, 702 (Iowa 1988)("[G]ood cause attributable to the employer can exist even though the employer is free from all negligence or wrongdoing in connection therewith"); *Shontz v. Iowa Employment Sec. Commission*, 248 N.W.2d 88, 91 (Iowa 1976)(benefits payable even though employer "free from fault"); *Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787, 788 (Iowa 1956)("The good cause attributable to the employer need not be based upon a fault or wrong of such employer."). Good cause may be attributable to "the employment itself" rather than the employer personally and still satisfy the requirements of the Act. E.g. *Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787, 788 (Iowa 1956).

Where an employee quits because of allegedly illegal working conditions the reasonable belief standard applies. "Under the reasonable belief standard, it is not necessary to prove the employer violated the law, only that it was reasonable for the employee to believe so." *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993). The undisputed evidence in this case is the claimant quit employment after she felt pressured to record information on employer documents that she did not think was truthful or accurate. She felt this directive was unethical and illegal. The purpose of the documentation was to help fund the employer. When the claimant raised concern, she was reprimanded by the employer. In the absence of any information to refute the claimant's credible testimony, the administrative law judge concludes an employer asking an employee to falsify employer documents could be reasonably considered illegal. Based on the evidence presented, the administrative law judge concludes the claimant has established she quit with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.

REMAND: The issue of whether the claimant is able to and available for work due to part-time employment with the Ottumwa Public Library is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The unemployment insurance decision dated June 7, 2019, (reference 01) is reversed. The claimant quit with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible. **REMAND:** The issue of whether the claimant is able to and available for work due to part-time employment with the Ottumwa Public Library is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

Decision Dated and Mailed

jlb/scn