

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MIRANDA R WHITE**

Claimant

**APPEAL NO. 13A-UI-08456-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GREAT RIVER MEDICAL CENTER HUMAN**

Employer

**OC: 06/23/13**

**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Miranda White filed a timely appeal from the July 15, 2013, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 26, 2013. Ms. White participated. Carrie Nudd represented the employer and presented additional testimony through Juli Weiss and Cheryl Lambert. Exhibits A through D and G through I were received into evidence.

**ISSUE:**

Whether Ms. White's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Miranda White was employed by Great River Medical Center as a full-time chemical dependency counselor from 2006 until June 27, 2013, when she voluntarily quit to relocate to Rhode Island to begin a Ph.D. program. Ms. White had started the employment with an Associate's degree and earned a Bachelor's degree and a Master's degree before she left the employment. In January 2012, the employer eliminated the secretarial position in Ms. White's work area. The area had previously included a full-time secretary to support the work of the three chemical dependency counselors. Before the employer completely eliminated the secretary, the employer had reduced the secretary's hours. The employer initially planned to recruit volunteers to assist with receptionist type duties, but found that not to be a viable plan. As of April 2012, the employer notified the counselors that the area would function without a support staff person going forward. The counselors were allowed to let the phone ring into voicemail if they were busy, but were expected to listen to and respond to the messages. The counselors were expected to mind the door of the clinic. The situation was not ideal and Ms. White would sometimes have to leave a counseling session to respond to someone at the door of the clinic. The counselors were allowed to summon a supervisor for assistance if needed. Ms. White continued in the employment until she left to start her doctoral program. Ms. White was accepted into a program in April, notified the employer in April of her intention to leave effective June 27, 2013. In her initial resignation memo, Ms. White indicated that staffing issues as a factor in her decision to leave. Juli Weiss, Supervisor/Manager of Addiction Services,

suggested the reference was unwise and should be deleted. Ms. White submitted a second resignation memo, which the employer accepted. Ms. White worked until June 27, 2013 and then immediately relocated to the east coast.

## **REASONING AND CONCLUSIONS OF LAW:**

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 requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

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 Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

871 IAC 24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

"Change in the contract of hire" means a substantial change in the terms or conditions of employment. See Wiese v. Iowa Dept. of Job Service, 389 N.W.2d 676, 679 (Iowa 1986). Generally, a substantial reduction in hours or pay will give an employee good cause for quitting. See Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988). In analyzing such cases, the Iowa Courts look at the impact on the claimant, rather than the employer's motivation. Id. An employee acquiesces in a change in the conditions of employment if he or she does not resign in a timely manner. See Olson v. Employment Appeal Board, 460 N.W.2d 865 (Iowa Ct. App. 1990).

871 IAC 24.25(2) and (26) provide:

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:

(2) The claimant moved to a different locality.

(26) The claimant left to go to school.

The weight of the evidence indicates a voluntary quit to attend school and to move to a different locality. The quit was without good cause attributable to the employer. While the evidence does establish a substantial change in the conditions of the employment, the change started in January 2012. By April 2012, Ms. White knew the new conditions were permanent. Ms. White elected to remain in the employment for more than a year and thereby indicated acquiescence in the changed conditions. The changed conditions, the absence of a secretary, did not create conditions that rose to the level of intolerable or detrimental working conditions. That conclusion is supported by Ms. White's decision to remain in the employment as long as she did after the change took place.

Ms. White voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. White is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits.

**DECISION:**

The agency representatives July 15, 2013, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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