

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EMILY L SCOTT
Claimant

APPEAL NO. 08A-UI-06362-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HEARTLAND PET HOSPITAL
& MOBILE VETERINARY SERVICES PC**
Employer

**OC: 06/08/02 R: 02
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Emily Scott, filed an appeal from a decision dated July 3, 2008, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 30, 2008. The claimant participated on her own behalf and with witness Shannon Vander Flute. The employer, Heartland Pet Hospital and Mobile Veterinary Service PC (Heartland), participated by Co-Owners Brenda Bright and Janice McLatchey.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Emily Scott was employed by Heartland from July 9, 2007 until June 6, 2008 as a full-time veterinary technician. She submitted a written resignation to Co-Owner Brenda Bright on May 23, 2008, stating her last day would be June 6, 2008. The resignation did not give any specific reason but she had earlier told the employer she was “unhappy.”

Ms. Scott cited as the precipitating event for her resignation a heated discussion with Co-Owner Janice McLatchey on April 29, 2008. The work hours for some of the staff had been changed and the claimant was unhappy about it, though at first refused to discuss the matter.

When pressed, she complained to Dr. McLatchey if she wanted to work 9:00 a.m. to 5:00 p.m. instead of 7:00 a.m. to 3:30 p.m. she could “work in a bank.” The employer stated the schedule changes were not permanent but the schedules were being modified in order to accommodate other staff members with some problems. Dr. McLatchey said if Ms. Scott needed some modifications to her schedule, they would be made. Another employee, Shannon Vander Flute, intervened in the conversation and the employer became upset, finally telling them she “did not want to fucking talk to you,” and sent the claimant home.

Later that day, Dr. McLatchey called Ms. Scott and asked her to come in to discuss the matter further, which she did. The employer apologized for the morning's incident and asked Ms. Scott not to quit. The claimant did say she felt she should be earning more money and the employer said the business was somewhat strapped for cash due to the physical facilities being recently expanded, and that her salary would be addressed later, but she would have to earn any raises.

The discussion ended with the claimant agreeing to continue working. However, she submitted her resignation over three weeks later without any other specific incidents precipitating the decision. She felt she as been "belittled" by Dr. Bright at some unspecified time in the past, when she was told to restrain a dog which was being examined. However, it was one of her primary job duties to restrain the animals while they were in the exam room, and Ms. Scott had walked off to enter some information into the computer. This was done on her own initiative and not at the instruction of the employer, who expected her to remain with the pet.

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.

871 IAC 24.25(21) and (22) 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:

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

(22) The claimant left because of a personality conflict with the supervisor.

The claimant asserts her decision to quit was precipitated by an incident that occurred nearly four weeks before she submitted her resignation. However, she did receive an apology from the employer for the incident, which she accepted, and she did agree to continue working. Ms. Scott also maintained she was "belittled" when she was instructed to restrain the pet rather than entering information into the computer. The administrative law judge considers this was merely the employer instructing her to do her job as assigned, not the job she had taken upon herself to do. While it was done in the presence of a client, there was no other way to instruct her to do her job when the pet and the pet owner were in the exam room, and she was not performing the essential function of her job.

The incident on April 29, 2008, is too distant in time to be the precipitating event. Ms. Scott chose to continue working after accepting the employer's apology and further changes to the

work schedule. If she found the incident so egregious, she did not provide an explanation as to why she did not quit immediately.

The claimant was also not satisfied with her wages, but she was paid what she agreed to accept when she was hired. Dissatisfaction with the wage is not good cause attributable to the employer under 871 IAC 24.25(13).

The record establishes the claimant quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of July 3, 2008, reference 01, is affirmed. Emily Scott is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw