

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIZABETH M CISNEROS

Claimant

APPEAL NO: 11A-UI-00717-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GARDEN VIEW CARE CENTER

Employer

OC: 10/31/10

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 11, 2011 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Dawn Collins, the director of nursing, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in June 2001. She worked as a full-time LPN, night charge nurse. In December 2009, when a new company took over the management of the facility, problems started. The new management required employees to do more work with fewer employees. Employees were not happy and complained about the work environment. Employees quit. It was hard for the claimant to go to work with so much negativity at work. As a result of the added work duties, the claimant worked overtime to get all her work done. The claimant was stressed out about all her job responsibilities and asked to work as med aide instead of a charge nurse. The employer agreed she could do this as soon as a med aide position became available and the employer found someone to replace the claimant as a night charge nurse.

Before the claimant was able to change positions, she was hospitalized. The claimant was hospitalized on October 18 and released from the hospital on October 22. Her physician did not release her to return to work until November 1.

The claimant also talked to a counselor. The counselor/therapist suggested she quit because she talked about the stress at work and how she had a hard time handling or coping with this stress.

The employer planned to have the claimant work as a med aide in November, if not early November by mid-November. When the claimant resigned, she knew her request to work as a med aide would take place in November. The claimant still resigned because she believed the work atmosphere would not change and the employer would ask her to fill in as charge nurse if someone was unable to work as scheduled and she could not do this. The claimant resigned as of November 1, 2010.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she leaves because she is not satisfied with the work environment. 871 IAC 24.25(21). The claimant established compelling personal reasons for quitting. The work environment adversely affected the claimant's health and quitting was the best decision for her own personal well being. Even though the claimant's decision was best for her, she did not establish that she quit for reasons that qualify her to receive benefits. As of October 31, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's January 11, 2011 determination (reference 02) is affirmed. The claimant voluntarily quit her employment for personal reasons, but her reasons do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 31, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css