

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AUBREY D LOERA
Claimant

BOYS & GIRLS RESIDENTIAL TREATMENT
Employer

APPEAL 15A-UI-10327-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/09/15
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 3, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 29, 2015. Claimant participated personally and through witness Sage Johnson. Employer participated through human resource manager and program director for residential unit, Marit Westrich.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a therapist/case manager from February 2, 2015, and was separated from employment on August 3, 2015, when she resigned.

On August 3, 2015, claimant told assistant program director, Callie Roan, she was resigning because of disagreements with staff and the way the program was being run. That day, claimant was late to the morning meeting due to unforeseen scheduling issues and her co-worker, Carol, shut the door to the meeting while she was standing outside the door talking to a co-worker. Claimant was also upset with Roan who had asked two employees to make written statements regarding claimant's comment to them that they should not work too hard because they were being paid the same as everyone else.

Claimant had also previously made complaints to Roan and Westrich regarding concerns about the residents. Claimant complained to Westrich about staff allowing residents to possess items prohibited by their care plans. For instance, a client on safety precautions possessed shoe laces and a pencil. Westrich addressed both situations with the staff responsible. However, Westrich did not inform claimant of the disciplinary action taken with the responsible staff. When claimant expressed frustration about safety issues not improving, Westrich asked claimant to continue to bring the issues to her attention.

Claimant reported issues to Roan regarding staff members diagnosing residents without having the proper qualification to do so, the medication room door being propped open, and staff allowing students to leave the unit in violation of their care plans. Claimant felt Roan became agitated with her for making these reports. Claimant was not aware of what action Roan was taking to address the issues.

On one occasion, claimant recommended a resident be hospitalized. Westrich directed claimant to accompany the resident to the hospital. Claimant did not believe it was her job duty to accompany the resident and did not do so. The resident went to the hospital later that night accompanied by other staff members.

At some point, claimant's clinical supervisor was separated from employment with employer. Claimant believed employer was violating its accreditation standards while it operated without a clinical supervisor. However, during this time, claimant met weekly with a psychiatrist to discuss the residents to which she was assigned. Carol Utesch (MSW) also attended group meetings with claimant on Monday, Wednesday, and Fridays to provide guidance regarding residents' therapy.

At the end of July 2015, claimant informed Westrich of frustrations she had with other staff members. Westrich directed claimant to the conflict resolution process included in the employee handbook. The first step of the process included requesting a meeting with the staff member with whom claimant was frustrated and her supervisor, which at that time was Westrich. Claimant did not take advantage of the process available to her because she did not believe it would do any good.

Instead, on August 3, 2015, claimant resigned her employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

The claimant's decision to quit because of disagreements with the staff and supervisors about the way the program was being run was not for a good-cause reason attributable to the employer. Claimant brought valid issues to employer's attention. For example, the issue with the shoelaces and pencil are valid complaints. However, claimant was in no position to know whether those or other safety issues were being addressed with individual staff members. In fact, employer was addressing the issues with staff members but was doing so confidentially. Some of claimant's other issues with employer are of her own creation. Roan was within her

right to request the written statements and Carol was justified in shutting the door to a meeting when claimant was standing outside the door talking. Claimant chose not to take a resident to the hospital—the resident was eventually transported to the hospital by other staff. Claimant complains she was not being supervised by a person who was qualified, yet admits she had weekly contact with a psychiatrist and meetings three days per week with an individual who has a Master's degree in social work. Claimant had a dispute resolution process available to her, but chose not to use it. While it probably was not ideal, the work environment was not unsafe or intolerable to the point where claimant's resignation can be attributed with good cause to employer.

DECISION:

The September 3, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Decision Dated and Mailed

cal/pjs