

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY K STONE**

Claimant

**APPEAL NO. 07A-UI-00222-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PATHWAY LIVING CENTER INC**

Employer

**OC: 12/10/06 R: 04  
Claimant: Respondent (2)**

Section 96.5(1) – Voluntary Quit  
Section 96.3(7) – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Pathway Living Center, Inc. (Pathway) filed an appeal from a representative's decision dated January 2, 2007, reference 01, which held that no disqualification would be imposed regarding Mary Stone's separation from employment. After due notice was issued, a hearing was held by telephone on January 23, 2007. Ms. Stone participated personally and offered additional testimony from Rory Stone. The employer participated by Marty Boisen, Human Resources Assistant. Exhibits One through Five were admitted on the employer's behalf.

**ISSUE:**

At issue in this matter is whether Ms. Stone was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Stone began working for Pathway on September 30, 2004 as a full-time direct support specialist. She quit the employment because of stress and problems with a coworker. She was not advised by a doctor to leave the employment.

On July 17, 2006, the employer met with Ms. Stone regarding her decision to leave the employment at the end of the month. She indicated that her work hours were causing problems at home. The employer indicated it would work with her on her schedule. During the meeting, Ms. Stone identified problems she was having with a coworker, Laurie. She indicated Laurie was opening other people's mail, sharing confidential information about staff with consumers, and giving misinformation concerning tasks that had not been completed. At the end of the meeting, Ms. Stone decided to remain in the employment.

In August of 2006, Ms. Stone began experiencing what she felt were anxiety attacks but did not seek medical treatment. On or about October 1, she saw a doctor but was not prescribed medication. Nor was she advised to leave the employment. However, Ms. Stone notified the

employer on October 2 that she was quitting. She was asked to meet with the employer on October 3 to discuss her decision. Ms. Stone advised the employer that she felt stressed because she was behind in completing her paperwork. She indicated she was frequently interrupted by calls from consumers that prevented her from working on paperwork. Ms. Stone was advised that the employer would work on redirecting consumers so she would have more time for paperwork. She indicated she feared consumers might harm themselves if she did not spend enough time with them. The employer advised that it would develop questions to ask the consumers to identify if there was a potential for harm and, if so, she could contact the on-call person for assistance.

During the meeting of October 3, Ms. Stone identified problems she was having with some of her coworkers. The employer indicated it would address the issues she presented and hold the other staff members accountable for their job responsibilities and conduct. Ms. Stone agreed to reconsider her decision to quit and get back to the employer. She notified the employer on October 4 that she was resigning. She was asked to work through October 7, which she did. Continued work would have been available if Ms. Stone had not quit.

Ms. Stone filed a claim for job insurance benefits effective December 10, 2006. She has received a total of \$1,440.00 in benefits since filing her claim.

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

Ms. Stone voluntarily quit her employment. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Stone's stated reason for leaving was the fact that she was experiencing stress. However, she was not advised by a doctor to leave the employment. It appears that her stress was due to both work issues as well as personal issues. The employer demonstrated a willingness to work with her to resolve the work issues. When Ms. Stone first indicated a desire to quit in July of 2006 because of her hours, the employer worked with her to make the changes necessary in order to keep her in the employment. Given this history, the administrative law judge believes the employer intended to resolve the issues presented by Ms. Stone on October 3. She decided to quit in spite of the employer's statement that it would address and try to resolve her issues.

Because of the employer's good-faith efforts and intent to remedy the work-related problems that were causing Ms. Stone to quit, the administrative law judge concludes that she did not have good cause attributable to the employer for quitting. She quit without allowing the employer a reasonable opportunity to try to handle the problems she presented. Accordingly, benefits are denied. Ms. Stone has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

**DECISION:**

The representative's decision dated January 2, 2007, reference 01, is hereby reversed. Ms. Stone voluntarily quit her employment with Pathway for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Stone has been overpaid \$1,440.00 in job insurance benefits.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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