

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VERA M HALE**  
Claimant

**APPEAL NO. 08A-UI-11503-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THOMAS REST HAVEN**  
Employer

**OC: 10/19/08 R: 01  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Vera Hale filed an appeal from a representative's decision dated December 1, 2008, reference 01, which denied benefits based upon her separation from Thomas Rest Haven. After due notice was issued, a hearing was held by telephone on December 22, 2008. Ms. Hale participated personally. The employer participated by Mary Jane Venteicher, administrator. Exhibits One and Two were received into evidence.

**ISSUE:**

At issue in this matter is whether the claimant quit for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from September 2004 until July 6, 2008, when she voluntarily quit employment. Ms. Hale was employed as a full-time restorative aide and was paid by the hour.

Ms. Hale left her employment with Thomas Rest Haven after becoming generally dissatisfied with her employment due to what she considered to be harsh treatment from nurses and the administrator. Ms. Hale on one occasion had been mildly chastised by a nurse while the claimant was pushing a resident in a wheel chair. Ms. Hale was under a light-duty limitation and believed that pushing the wheel chair was a proper activity, as it did not exceed her lifting limitations. The nurse, at the time, had emphasized the need for all aides to assist each other in performing the duties that were necessary for residents. The claimant was further dissatisfied because she believed that another certified nursing assistant had complained because both the claimant and the other CNA had lifting limitations; and after the other CNA had apparently complained to the administrator, the administrator had requested that the claimant provide notice to the administrator when Ms. Hale's limitations had been removed by her physician. In the conversation with the administrator about the claimant's job limitations, Ms. Venteicher had inquired as to whether the claimant had "re-injured" herself. As the claimant had not re-injured herself, Ms. Hale felt that the administrator's inquiry was inappropriate. On another occasion, the claimant had mistakenly reported for work on a scheduled day off. After the claimant had

worked approximately two hours, she realized that she had not been scheduled and requested time off. Due to staffing needs and the fact that the claimant was present and on duty, the claimant was instructed to complete the work shift. Based upon her increasing dissatisfaction with her employment, Ms. Hale met with the home's administrator and indicated her desire to quit employment. The claimant was requested to provide a written resignation and did so.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence in the record establishes that the claimant voluntarily quit employment for reasons that were attributable to the employer. It does not.

The evidence in the record establishes that the claimant became increasingly dissatisfied with her employment for a variety of reasons. Although the claimant perceived, at times, that nurses or the administrator were acting inappropriately by raising their voice or humiliating her in public, the hearing record does not support the claimant's contention. The evidence in the record establishes that the claimant was given reasonable work directives and, at times, nurses and administrative staff questioned the claimant's medical status for work-related reasons. The evidence does not establish that the claimant was intentionally or unduly embarrassed or humiliated by the employer. The evidence establishes that the employer had some questions as to the claimant's limitations and when she would be released and directed questions to the claimant at times to clarify these issues.

While Ms. Hale may have had good cause for leaving the employment from her personal viewpoint, the administrative law judge concludes, based upon the evidence in the record, that the claimant has not established good cause attributable to the employer for leaving her work.

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.

**DECISION:**

The representative's decision dated December 1, 2008, reference 01, is affirmed. The claimant voluntarily quit employment for reasons not attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided she meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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