

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUDITH CHRISTIANSEN**  
Claimant

**APPEAL NO: 09A-UI-01294-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**VISITING NURSE SERVICES**  
Employer

**OC: 11-23-08**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the January 22, 2009, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 13, 2009. The claimant participated in the hearing. Denise Hotopp, Vice-President of Operations and Jen Van Liew, Chief Executive Officer (CEO), participated in the hearing on behalf of the employer. Employer's Exhibits One through Four were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time nurse for Visiting Nurse Services from August 6, 2007 to September 1, 2008, when she became the family health manager. She voluntarily quit her employment November 21, 2008, due to insufficient training. The claimant sent an email to the employer November 16, 2008, in which she stated she could not continue in her current role. There was continuing discussion back and forth about whether she resigned and the parties finally negotiated a severance package for the voluntary quit. The family health manager was responsible for a major project, the Title 5 report, which was due November 14, 2008. The report is very important and could jeopardize the employer's funding. It is a lengthy, complicated report and many employees work on it but the claimant bore the ultimate responsibility for it. The claimant's predecessor, Bev, trained her but the training was delayed due to Bev's vacation. Bev knew the information but was unable to translate that into specific steps. It was just assumed the claimant would learn as she went. The report was scheduled for a final review November 13, 2008, and the claimant believed it was sufficient but the report was in no condition for final review. The employer advised the claimant what needed to be done by the next day and that it was going to take many hours to complete. The claimant went home at 4:30 p.m. that day. The employer could not find the claimant after that and the report was not completed. The employer received a one-week extension for the report from the County Health Department. The CEO met with the claimant November 14, 2008, and discussed why the report

was not done. The claimant took no responsibility for it, which upset the CEO. A meeting was held later that afternoon and the employer issued a written warning to the claimant, who left the meeting without accepting the warning. She sent her email stating she could no longer work in that position because she was not adequately trained to the employer on the following Monday.

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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 24.26(23) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

The claimant voluntarily quit effective November 21, 2008. She accepted the job not fully understanding what was required of her and felt she was insufficiently trained to be able to complete her job duties. "Good cause" need not be based on fault or wrongdoing on the part of the employer, but may be attributable to the employment itself. Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956). The employer did nothing wrong but the claimant simply would not take the responsibility for such an important report and she seemed to have the skills required to complete it. The claimant is considered to have voluntarily left her employment without good cause attributable to the employer. Benefits are denied.

### **DECISION:**

The January 22, 2009, reference 01, decision is reversed. The claimant voluntarily quit her employment without good cause attributable to the employer and is not eligible to receive

unemployment insurance benefits until she has worked in and earned wages of ten times her weekly benefit amount, provided she is otherwise eligible.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/css