

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN CONNER

Claimant

APPEAL NO. 10A-UI-14720-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

WESLEY RETIREMENT SERVICES INC

Employer

OC: 09-26-10

Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 20, 2010, reference 01, decision that denied benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 15, 2010. The claimant participated in the hearing with Attorney Richard Schmidt. Debbie Hornbuckle, Human Resources Business Partner, and Donna Coulter, Director of Nursing, participated in the hearing on behalf of the employer.

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 licensed practical nurse/charge nurse for Wesley Retirement Services from November 23, 2009 through September 26, 2010. She voluntarily quit her employment because she sustained a work-related injury and the employer refused to direct her medical care. The claimant fell at work July 26, 2010, and went to the Methodist Hospital Emergency Room, per the director of nursing, where she was diagnosed with a sprained wrist. She returned to work July 28, 2010, and was supposed to follow up with the workers' compensation physician. The claimant went repeatedly to speak with Debbie Hornbuckle in human resources, but Ms. Hornbuckle never gave her any information. The claimant spoke with her for four days straight, but no information was provided. The claimant was in so much pain that she sought treatment with her family doctor and stopped trying to find out about the workers' compensation carrier after August 6, 2010. When she went to her doctor, a cast was placed on her left arm and she was given medical restrictions. The claimant immediately went to see Ms. Hornbuckle but she was not there, so the information was placed under her door. The claimant was forced to work outside her restrictions and she was told she would receive more help but never did. At the same time, a co-worker named Teresa was harassing her on a daily basis and the claimant often cried as a result. Teresa said the employer would not recognize the claimant's doctor as a workers' compensation physician. The claimant tried to speak with the director of nursing about the situation, but she was always too

busy. The claimant finally gave a 30-day notice to ensure she received her two weeks of vacation.

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant voluntarily quit because the employer refused to provide her with the necessary information so she could obtain medical care by the employer's physician for a work-related injury. The employer admitted in the hearing that the workers' compensation medical treatment "may not have been as quick as she would have liked." The claimant was merely trying to obtain medical treatment for a painful work injury and it appears the steps she took in trying to seek treatment were not supported by the employer. A reasonable person would have quit under similar conditions. Consequently, the administrative law judge concludes the claimant has met her burden of proving her leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are allowed.

DECISION:

The October 20, 2010, reference 01, decision is reversed. The claimant voluntarily quit her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/kjw