

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMYE D BOYD**  
Claimant

**APPEAL NO: 18A-UI-07786-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REM IOWA COMMUNITY SERVICES INC**  
Employer

**OC: 06/24/18**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 16, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 10, 2018. The claimant participated in the hearing with witness/former Program Supervisor Krista Godat and Paralegal John Graupmann. Nicole Guzman, Program Director; Jaclyn Bentley, Program Director; and Jackie Boudreaux, Employer Representative; participated in the hearing on behalf of the employer. Claimant's Exhibits A through E were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**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 program supervisor for REM Iowa Community Services, Inc. from November 20, 2015 to June 29, 2018. She voluntarily left her employment because she had concerns about her safety when the employer planned to move an aggressive client from Davenport to the claimant's client house in Clinton and did not feel the employer reacted appropriately to her concerns.

The employer serves clients with mental illness' and brain injuries. In March 2018, client "TD" moved into the house. She behaved appropriately for the first few weeks after she moved in but then became more aggressive as she grew more comfortable. In April 2018, the employer experienced insurance and program fee cuts and the client to staff ratio increased from one employee to two clients to one employee to three clients. Around June 20, 2018, Area Director Angie Thompson suggested the employer move client "DL" from the Davenport program to the Clinton program because DL had an issue with a staff member in Davenport and behaved aggressively with that staff person. Ms. Thompson told the claimant DL was being arrested in Davenport for "stupid things" and the police in Clinton did not arrest the employer's clients. The claimant wanted to do further research on DL and looked her up in the employer's database.

She found numerous “red flags” associated with DL such as physical aggression, assaults on a staff member and property destruction. The claimant contacted Program Director Nicole Guzman and stated she was “scared” to have DL in her client house. She told Ms. Guzman she did not believe it was a good idea to move DL to her client house and reminded her of another client when the claimant first started who had been discharged from the program. Ms. Guzman stated DL was “not that bad” and it would “be okay.” The claimant then looked DL up on Iowa Courts Online and found she had been in jail a few times for assault with the most recent incident occurring two weeks earlier. The claimant then went back to Ms. Thompson and Ms. Guzman and restated her concerns. They proceeded to set up a home visit for DL at the claimant's client house. On June 20, 2018, DL and a program supervisor came to visit and the claimant asked her questions in an effort to get to know her and determine if she would be a good fit. The claimant asked her why she assaulted the staff member in Davenport and DL stated, “Because I feel like it. She is a dumb bitch anyway.” The claimant sent a “glowing report” about DL after the meeting but then decided she was still concerned and went back to the office to discuss the matter with Program Director Harold Longbons who agreed with the claimant's assessment of the situation but was the only management employee who did. Ms. Guzman went on a three week leave of absence and when she stopped in the office one day, the claimant again expressed her concerns but Ms. Guzman stated the employer had a bed it needed to fill. The claimant then called Program Director Laura Morris in Davenport and stated she did not think it was a good idea to move DL to Clinton but Ms. Morris “laughed it off” and asked the claimant if she met “Lily” who was DL's “other personality.” On June 22, 2018, the claimant went to the house during her off hours to attend a birthday party for a client in the home and DL became physically aggressive with the claimant, chased her through the house and sat on her. On June 25, 2018, Ms. Thompson was scheduled to be in the office and the claimant planned to speak to her again but she did not arrive by 9:00 a.m. when the claimant left. The claimant was then off for three days and believes she had a panic attack. On June 28, 2018, the claimant decided if the employer was going to move DL to her client house in Clinton it was not safe and she was scared. On June 29, 2018, she emailed Ms. Guzman and stated she was voluntarily quitting effective immediately. The staff member DL had an issue with in Davenport left her job with the employer and consequently the employer never moved DL to Clinton.

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 her job because she was concerned about DL coming to her client house and because she felt the employer did not respond appropriately to her trepidation about that situation. While the claimant had legitimate concerns about DL, DL's issues had been confined to one staff member in the Davenport location. Additionally, the employer had not made a decision about DL moving to Clinton before the claimant quit but was rather exploring the possibility at that time and in fact DL did not move to the Clinton location because the staff member she had problems with left her job with the employer and the employer's goal was to separate them.

Iowa Admin. Code r. 871-24.25(21) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

Iowa Admin. Code r. 871-24.25(22) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(22) The claimant left because of a personality conflict with the supervisor.

The claimant was also dissatisfied with the way the employer responded to her concerns about DL and did not believe the employer took her issues seriously enough. The employer did listen to her concerns but it cannot allow an employee to dictate what client is going to which house. The employer must be free to place a client where it believes she will have the greatest chance for success. It accepted the claimant's input but simply because it did not immediately change its plan to move DL to Clinton does not create intolerable working conditions. DL was aggressive toward one staff member in Davenport and had been physical with other non-staff members but the claimant knew or should have known she would have to work with aggressive clients when she accepted the position. It is unfortunate that due to insurance and program cuts the employer is not able to staff at a level of no more than two clients to one program supervisor but again that does not create unlawful or intolerable working conditions in this situation.

Under these circumstances, the administrative law judge must conclude the claimant has not met her burden of proving that her leaving was for good cause attributable to the employer as those terms are defined by Iowa law. Therefore, benefits must be denied.

**DECISION:**

The July 16, 2018, reference 01, decision is affirmed. The claimant voluntarily left her 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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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn