

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA T PEGRAM
Claimant

APPEAL 18A-UI-09971-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AFFORDABLE DENTURES DENTAL LAB
Employer

OC: 09/02/18
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 27, 2018, (reference 01) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on October 16, 2018. Claimant participated. Employer did not register for the hearing and did not participate. Claimant's Exhibit A was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in April 2008. Claimant last worked as a full-time waxer/finisher. Claimant was separated from employment on September 5, 2018, when she resigned.

During the last two years of her employment, claimant and her supervisor had concerns that unethical or illegal actions were taking place in the practice. Specifically, dental assistants were performing inter-oral procedures and administering pain medications and oral sedation without a dentist present in the office. Claimant was also aware of one instance where a dental assistant forged the signature of a dentist on a prescription for pain medication. Claimant and her supervisor brought their concerns to the dentist in charge of the practice as well as the human resources department on numerous occasions. However, no action was taken to prevent the actions from continuing to occur. In 2017, the issue was reported to the Iowa Dental Board. Also in 2017, a member of corporate management told claimant and her supervisor that if the company brand was damaged as a result of their reports, the branch would be shut down and they would lose their jobs.

In September 2018, a new dentist took over the branch. On September 4, 2018, employer held a meeting and stated that the laboratory staff and dental assistants must get along or they would lose their jobs.

On September 5, 2018, claimant and her supervisor arrived at work and saw dental assistants performing inter-oral procedures. There was no dentist present at the office. Claimant submitted her resignation verbally and followed up with a letter at the end of the day.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 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.

Iowa Admin. Code r. 871-24.26(4) 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:

(4) The claimant left due to intolerable or detrimental working conditions.

In this case, claimant and her supervisor had valid concerns for the safety of patients and brought those to the attention of management on numerous occasions. The issues continued and claimant and her supervisor were threatened with losing their jobs as a result of bringing their concerns forward. A reasonable person in claimant's position would not have remained employed in this environment.

Claimant has established she resigned for a good cause reason attributable to employer.

DECISION:

The September 27, 2018, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible and the benefits withheld shall be paid.

Christine A. Louis
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Decision Dated and Mailed

cal/rvs