

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHERYL STERLING
Claimant

APPEAL NO. 07A-UI-04631-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BIOLIFE PLASMA LLC
Employer

**OC: 04/15/07 R: 04
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 3, 2007, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on May 21, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Robert Kohl. Julia Bean participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time as a phlebotomist for the employer from January 2, 2006, to April 11, 2007. On April 10, the claimant submitted her written two-week's notice that she was quitting, with her last day of work stated as April 20.

The claimant decided to quit her employment because she found the workload of the job to be overwhelming and stressful. After seeing a client who had been badly bruised by another phlebotomist, she was concerned that she would harm a client because of the pace of the work and what she believed was understaffing. The claimant had complained to management about understaffing and stressful working conditions prior to quitting.

The employer is required to maintain a certain ratio of clients to phlebotomists by regulation. The employer complied with that standard throughout the time the claimant worked for the employer. The claimant was never singled out in regard to the workload. Other phlebotomists working with the claimant worked under the same conditions.

On April 11, 2007, the day after the claimant submitted her written notice that she was quitting, the employer terminated the claimant by accepting her resignation immediately. They did so because of rumors that the claimant intended to walk off the job.

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 15, 2007. She did not, however, file any weekly claims for benefits for the weeks ending April 21 or April 28, 2007.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without 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 24.25(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.

The unemployment insurance rules provide that the claimant who quits employment due to intolerable working conditions quits with good cause attributable to the employer. 871 IAC 24.26(4). In my judgment, the claimant has not established by the preponderance of the evidence that working conditions were intolerable. The employer was operating in compliance with established staffing ratios and the claimant was not treated differently than other employees in regard to the workload. At most the evidence establishes that the claimant quit work because she was dissatisfied with the work environment, which does not meet the standard of good cause attributable the employer that is required to receive benefits.

The law does provide that claimant is eligible to receive benefits up until the effective date of her quitting if an employer terminates a claimant after the claimant submits her notice to quit at a future date. 871 IAC 24.26(12). In this case, the claimant did not file any weekly claims for benefits until after the effective date of her quit. Consequently, it is unnecessary to resolve that issue.

DECISION:

The unemployment insurance decision dated May 3, 2007, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid

wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css