

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**STACY R LUNDAHL  
213 NE GRANT ST  
ANKENY IA 50021**

**CENTER FOR LONG TERM CARE OF IA  
7610 STEMMONS FRWY N#500  
DALLAS TX 75247**

**Appeal Number: 05A-UI-01887-JTT  
OC: 01/16/05 R: 02  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 95.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Stacy Lundahl filed a timely appeal from the February 14, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on March 10, 2005. Ms. Lundahl participated in the hearing. The employer participated through Linda Prouty, Administrator. Exhibits One through Four were received into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Stacy Lundahl was employed as Director of Social Services at the employer's licensed health care facility from September 14, 2000 until January 17, 2005, when she voluntarily quit her position due to intolerable working conditions.

The entire staff of the nursing home was under a great deal of pressure in the days leading up to Ms. Lundahl's resignation as the result of a recent audit by the Iowa Department of Inspections and Appeals. The nursing home was in a "plan of correction" period, during which time it essentially had to rewrite the care plans for every resident. Ms. Lundahl and several other employees were under the greatest amount of stress as the nursing home worked to meet a short deadline imposed by the state. As a result of the state audit, Ms. Lundahl and her work performance were subjected to increased scrutiny. On January 13, 2005, the nursing home administrator, Linda Prouty, issued a written reprimand to Ms. Lundahl for failing to adequately document social services needs of residents with significant behaviors that could impact on other residents. Though Ms. Lundahl was Director of Social Services and was ultimately responsible for the social services content of the care plans, Ms. Lundahl had not previously been held personally responsible for deficiencies in each and every care plan. Ms. Lundahl understood the reprimand on January 13, 2005 to mean that she would thereafter be personally responsible for fully documenting every social services issue, regardless of whether she had reason to be aware of the issue, and would be at risk of being terminated if she failed to meet this standard.

On January 17, Ms. Lundahl submitted a letter of resignation to Ms. Prouty. Ms. Prouty was not surprised by the resignation. Ms. Prouty believed that Ms. Lundahl and the rest of the nursing home staff could get through the highly stressful "plan of correction" period if they continued to work hard and fast, and worked together as a team. However, Ms. Prouty was aware of the amount of stress to which Ms. Lundahl and others had been subjected and believes a reasonable person in Ms. Lundahl's position would have felt compelled to resign. Ms. Lundahl's written resignation provided an effective date of January 28, 2005. Later on January 17, Ms. Lundahl observed an individual being given a tour of the facility. The person appeared to be Ms. Lundahl's replacement. Ms. Lundahl concluded that the facility had already been planning for her discharge or resignation. Ms. Lundahl met with Ms. Prouty and indicated her resignation would be effective immediately. The regional manager had in fact arranged for Ms. Lundahl's prospective replacement to tour the facility on January 17. The regional manager was under the belief that Ms. Lundahl would in fact resign as a result of the increased pressure and scrutiny resulting from the state audit.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Lundahl's voluntary quit was for good cause attributable to the employer. It does.

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.

Because Ms. Lundahl quit the employment, she has the burden of proof in this matter. See Iowa Code section 96.6(2). Quits due to unsafe, intolerable or detrimental conditions are considered to be for good cause attributable to the employer. See 871 IAC 24.26(2), and 871 IAC 24.26(4). However, before a claimant's quit will be considered for good cause attributable to the employer, the evidence must show that before the claimant resigned (1) the employer was on notice of the condition, (2) the employer was on notice that the claimant might quit if the condition was not addressed, and (3) the employer had a reasonable opportunity to address the

claimant's legitimate concerns. See Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993); Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993); and Swanson v. Employment Appeal Board, 554 N.W.2d 294 (Iowa 1996).

The evidence in the record establishes that the nursing home administration and the corporation's administration were well aware of the severe stress under which Ms. Lundahl and others were laboring. In addition, the employer, especially the regional manager, was aware that Ms. Lundahl would quit as a result of the increased stress and scrutiny. In fact, the regional manager was planning on it. It appears as if the employer's corporate management added stress to the situation, rather than taking any steps to alleviate that stress. Ms. Lundahl and others were left to buck up or buckle under as they struggled to reform the nursing home's care plans. A reasonable person would have quit the employment under the circumstances.

Based on careful review of the evidence and the applicable law, the administrative law judge concludes that Ms. Lundahl's quit was for good cause attributable to the employer. Accordingly, no disqualification will enter.

DECISION:

The February 14, 2005, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

jt/tjc