

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERI L INMAN
Claimant

APPEAL NO: 08A-UI-00664-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REM IOWA COMMUNITY SERVICES INC
Employer

**OC: 12/16/07 R: 04
Claimant: Appellant (1)**

Section 96.5-1- Voluntary Quit

STATEMENT OF THE CASE:

Teri L. Inman (claimant) appealed a representative's January 8, 2008 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of REM Iowa Community Services, Inc. (employer) would not be charged because she voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 5, 2008. The claimant participated in the hearing. Amber Glasscock, Sherry Hidgon, Moki Jenson and Jennifer Tremaine appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in July 2006. The claimant worked as a full-time residential counselor. The claimant heard reports from co-workers that when a particular resident became agitated, he hit people. The claimant was not afraid of this resident because he had never tried to hit her. The employer provides training to employees so they know how to handle certain situations and protect themselves from combative residents.

On December 15, this resident became agitated and blocked his roommate in the kitchen. The resident made punching motions and told the claimant and the roommate he was going to hit them. The resident did not hit either the claimant or the roommate on December 15. At 5:15 p.m., the claimant called Hidgon, the pager that night, to report this incident. The claimant indicated she was not paid enough to do this and had no training in situations like this. The pager understood the claimant wanted someone to relieve her because she was too upset to work. Within 20 minutes Hidgon contacted the employee who left work at 5:00 p.m. and she agreed to go back to work. When Hidgon told the claimant an employee would be at work in

15 to 20 minutes, the claimant did not have appear to have any problems with that arrangement. The employee Hidgon contacted was back at work around 5:45 p.m.

Later on December 15, the claimant's supervisor asked if she was coming back to work. The claimant told her supervisor no. The claimant decided that after the incident with the resident on December 15 she had to quit because she was too afraid to work in the same house that resident resided. Even if the employer provided the claimant with more training, the claimant concluded she would be too afraid to work with that resident.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code section 96.6-2.

The law presumes a claimant voluntarily quits employment with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). In this case the claimant knew or should have known some residents could display aggressive behavior when they became agitated or had not taken their medication. The claimant also knew from other employees, a resident hit or threatened to hit other employees. The claimant also understood the employer provided training so she could learn how to protect herself and handle aggressive and agitated residents. The claimant made the decision to quit because she did not believe the employer paid her enough money to be threatened by a resident and she concluded she would be too afraid after December 15 to work or be around that resident again. The claimant established compelling personal reasons for quitting. Under the facts of this case, the claimant did not quit for reasons that qualify her to receive unemployment insurance benefits. As of December 16, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's January 8, 2008 decision (reference 01) is affirmed. The claimant quit her employment for personal reasons that do not constitute good cause for unemployment insurance purposes. The claimant is disqualified from receiving unemployment insurance benefits as of December 16, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs