

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUDI R WHEELDON-HOYT**  
Claimant

**APPEAL NO. 13A-UI-03329-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STEVEN PEARSON**  
**AMERISERVE INTERNATIONAL INC**  
Employer

**OC: 02/24/13**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated March 20, 2013, reference 01, which denied unemployment insurance benefits finding that she voluntarily quit employment under disqualifying conditions. After due notice, a telephone hearing was held on April 17, 2013. The claimant participated. The employer participated by Alan Blakestad, Director and Mike Caricofe, Supervisor. Claimant's Exhibits One and Two were received into evidence.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: The claimant was most recently employed by Ameriserve International, Inc. from May 2012 until February 28, 2013 when she walked off the job. Ms. Wheeldon-Hoyt was employed as a full-time client service representative providing care to mentally disabled and residents with psychiatric issues. The claimant was paid by the hour. Her last immediate supervisor was Cara Coff.

Ms. Wheeldon-Hoyt had previously been employed by Ameriserve International and was familiar with her job responsibilities when she was rehired in May of 2012. The claimant was aware of the type of work that she was accepting and had been provided training by the employer. Ms. Wheeldon-Hoyt had been injured on one occasion when she was bumped by a resident who was running through a hallway and the claimant had complained at that time about her safety concerns. As time progressed the claimant became increasingly dissatisfied with her employment, the residents and the work environment. Ms. Wheeldon-Hoyt provided her employer a two-week notice of intention to leave stating that her effective date of resignation would be March 7, 2013. In the past the claimant had taken time away from work without sufficient accrued time away from work available to her. The claimant had been allowed to take that time off with the agreement that she would later pay back the PTO time, making the time up or having it deducted from her pay.

On February 28, 2013, Ms. Wheeldon-Hoyt received her paycheck and noted that the previous PTO time that she owed the organization was being deducted as per the previous agreement. The claimant became angry at that time and walked off the job.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not.

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.

In this matter the evidence establishes that Ms. Wheeldon-Hoyt was familiar with the job responsibilities and duties and the work environment at Ameriserve International, Inc. The claimant had previously been employed and had applied to be rehired by the organization. Although the work environment continued to be essentially the same, Ms. Wheeldon-Hoyt became increasingly dissatisfied with the nature of the work and provided a two-week notice of her intention to quit employment. Prior to the conclusion of her notice period, the claimant left without notice walking off the job due to a dispute with a pay deduction that she had previously agreed to. The administrative law judge thus concludes that the claimant has not sustained her burden of proof in establishing that she left with good cause that was attributable to the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated March 20, 2013, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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