

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORNA THOMAS**  
Claimant

**APPEAL NO: 11A-UI-07912-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FBG SERVICE CORPORATION**  
Employer

**OC: 05-15-11**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 13, 2011, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 12, 2011. The claimant participated in the hearing. Ellen Cooper, Internal Manager; Louis Valenciano, Area Manager; and Tom Kuiper, Employer Representative participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time cleaning specialist for FBG Service Corporation from January 4, 2010 to April 22, 2011. The claimant was hired as a part-time employee but requested additional hours and became full time at the beginning of November 2010. Around the middle of April 2011 the claimant told the employer she only wanted to work four nights per week, with every Wednesday off, instead of the five nights per week she had been working. Area Manager Louis Valenciano met with his supervisor to discuss the claimant's request and the supervisor directed Mr. Valenciano to notify the claimant she could not move to four nights per week because she had asked for more hours and accepted the full-time position and the employer had provided her with help from two additional part-time employees. The claimant is a 74-year-old cancer survivor and after working the full-time schedule for about one and one-half months she asked for additional help and Mr. Valenciano provided a part-time employee, after observing she was having some difficulty with her job. She then asked for more help in April 2011 and he hired another part-time employee to clean the restrooms and kitchenette. The employer also gave her a lightweight vacuum and a large auto scrubber to make her job easier. When Mr. Valenciano told the claimant his supervisor said she would have to remain at full-time hours or resign the claimant decided to leave her job effective April 22, 2011. She was concerned about her health and the possibility of falling without anyone else around to help her.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant's request to work four nights per week instead of five was not unreasonable given her health and safety concerns, the employer had the right to refuse her request and tell her that she had to work five nights per week or resign her position. Mr. Valenciano was sensitive to her health issues and hired two additional part-time employees and provided her with equipment that was better suited to her needs, but his supervisor did not believe the employer could do anything else to accommodate the claimant. Although the claimant's work ethic and history are admirable, she has not established that her working conditions were unlawful, intolerable, or detrimental, or that her leaving was for good cause attributable to the employer as required by Iowa law. Therefore, benefits must be denied.

**DECISION:**

The June 13, 2011, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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