

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOROTHY C GUISE
Claimant

APPEAL NO: 15A-UI-04084-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

REM IOWA COMMUNITY SERVICES INC
Employer

OC: 03/08/15
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 23, 2015, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on May 5, 2015. The claimant participated in the hearing. Sara Miner, Program Director, participated in the hearing on behalf of the employer. Claimant's Exhibits A through C were 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 program director for REM Iowa Community Services from July 2, 2012 to February 20, 2015. She voluntarily left her employment because she was facing three personal crises at the time.

The claimant was on a leave of absence for a family emergency from January 29 through February 10, 2015. She learned she was pregnant February 8, 2015. The claimant was then granted bereavement leave February 16 through February 18, 2015, following her brother's death. She was scheduled to return February 19, 2015 but switched shifts with another employee so she could have another day off due to her depression following the personal issues she was facing. The employer was aware of the problems stated above the claimant was having at that time.

The claimant was evicted from her home in February 2015 but was embarrassed by that situation and did not tell the employer about it and that she was effectively homeless until eventually moving to Phoenix to live with her sister. Because she only had a few days before she and her daughter had to vacate their home before the eviction would occur she texted the employer February 20, 2015 and resigned her position citing her high-risk pregnancy as the reason. The employer had continuing work available for the claimant had she not resigned from her employment.

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 § 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 experienced at least three life altering events in a short period of time in late January and February 2015, none of those situations were attributable to the employer. In order for a claimant who voluntarily leaves her employment to receive unemployment insurance benefits she must be able to show that the reason she left was due to unlawful, intolerable, or detrimental working conditions caused by the employer. In this case, although the claimant had good personal reasons for leaving and did not want to resign her position, she was forced to do so due to the circumstances in her life at that time. While the administrative law judge is sympathetic to the claimant's situation, she has not demonstrated that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The March 23, 2015, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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