

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building, 4<sup>TH</sup> Floor  
Des Moines, Iowa 50319  
eab.iowa.gov**

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<b>JACKLYN R GILLEN</b>	:	
Claimant	:	<b>HEARING NUMBER: 22B-UI-22130</b>
and	:	
<b>AREA AMBULANCE AUTHORITY</b>	:	<b>EMPLOYMENT APPEAL BOARD</b>
Employer	:	<b>DECISION</b>

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-1**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board, one member dissenting, finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

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James M. Strohman

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Ashley R. Koopmans

**DISSENTING OPINION OF MYRON R. LINN:**

I respectfully dissent from the majority decision of the Employment Appeal Board. After a complete review with audio testimony, I would reverse the administrative law judge's decision to grant benefits to the Claimant. The Claimant voluntarily resigned from her employment alleging that the working conditions were intolerable and that she experienced a change in her contract of hire. The Claimant had a managerial position as the Director of Operations and was recognized by the Employer for her successful performance.

The Claimant was on maternity leave and, in her absence, the Employer reorganized and modified some of the staff duties. Upon returning from maternity leave, the Claimant was assigned to the position of compliance billing manager, which was a continuation in her managerial role. In doing so, Claimant returned to the same salary, same or better work schedule to avoid job emergencies, and a continuing role and recognized as a manager. As such, I would *not* find she experienced a substantial change in her contract of hire.

Apparently, the Claimant considered this reassignment to be a demotion and became dissatisfied. Her complaints included that her co-workers discontinued to say "good morning" to her, and she testified that she "didn't feel safe". When asked why it made her feel unsafe, the Claimant had no reply. Additionally, the Claimant was somewhat distraught that an external office consultant didn't include any of her concerns in its report. Furthermore, the Claimant testified that she wasn't invited to the managerial meetings. However, the Employer's testimony, which I find more credible, established a schedule of weekly dates showing the Claimant's attendance.

I would also find that the Administrative Law Judge, in his decision, exaggerated the Claimant's assignment as a "drastic change." Employers cannot be handcuffed when reasonably reorganizing its staff for efficiency. While the Employer may have made a couple of very minor insensitive comments that were improper, I would find that these instances did not rise to intolerable working conditions.

In this case, the Claimant's reassignment was with the same wage, same or better working hours, and reasonably similar managerial status, which I conclude were simply not a drastic change. The Claimant voluntarily quit and did not prove that it was with good cause attributable to the Employer.

For this reason, I find that the Administrative Law Judge's decision should be reversed and deny benefits to the Claimant.

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Myron R. Linn