

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERRI S SMOTHERS
Claimant

APPEAL NO. 13A-UI-11896-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WASHINGTON COUNTY HOSPITAL
Employer

OC: 09/29/13
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated October 17, 2013, reference 01, that concluded she voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on November 4, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Tanya Greiner participated in the hearing on behalf of the employer with a witness, Tracy Ousey.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a licensed practical nurse from March 14, 2013, to September 25, 2013. The claimant's position was working as Dr. Gray's nurse.

During the time the claimant worked as Dr. Gray's nurse, she experienced constant stress due to Dr. Gray's practices, which included preparing treatment information on paper, not entering orders for x-rays, lab work, or prescriptions in the electronic medical record system, and being constantly behind in his dictation. The claimant was expected to answer questions about Dr. Gray's treatment of patients, but the information was not available to answer questions. There were times when Dr. Gray would see a patient and then provide instructions that if the person was diabetic, she was to take a certain action. The claimant believed this put her in a position where she was expected to make a medical diagnosis, which would be outside her scope of practice. She complained about these issues to management several times, including the Chief Operating Officer, Dennis Hunger, but nothing was done to correct the problems and they continued.

As of September 24, 2013, the claimant found working conditions to be intolerable and detrimental to her health and she quit her employment.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1 and 96.5-2-a.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The preponderance of the evidence establishes the claimant left work due to intolerable or detrimental working conditions, that she attempted to correct the conditions, but the problems continued and she quit her employment. Good cause attributable to the employer for quitting employment has been shown.

DECISION:

The unemployment insurance decision dated October 17, 2013, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css