

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALISA L RICHARDSON
Claimant

APPEAL NO. 07A-UI-03788-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OTTUMWA DEVELOPMENTS INC
Employer

**OC: 06/04/06 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated April 2, 2007, reference 05, which denied unemployment insurance benefits based upon her separation from Ottumwa Manor. After due notice was issued, a telephone conference hearing was scheduled for and held on May 16, 2007. Ms. Richardson participated personally. The employer participated through Paula Thomas, Director of Nursing.

ISSUE:

The issue is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed the evidence in the record, the administrative law judge finds: Ms. Richardson was employed by Ottumwa Manor from October 6, 2006 until March 13, 2007, when she voluntarily quit her employment. The claimant worked as a full-time charge nurse and was paid by the hour. Her supervisor was Paula Thomas.

Ms. Richardson left her employment providing a one-day notice after becoming dissatisfied at a management decision to transfer patients to the area of the facility under Ms. Richardson's charge. Approximately twenty-seven patients were assigned to Ms. Richardson's area. At the time of hire the patient census assigned to the claimant's area was approximately thirty-nine residents. Although management explained to the claimant the reason for transferring some patients to the claimant's area of the facility, Ms. Richardson left her employment.

The claimant had become generally dissatisfied with her employment for a number of reasons. Ms. Richardson disagreed with the policy which required supervisory personnel to encourage workers to report to work and/or to find replacements. The claimant was also dissatisfied

because of what she considered to be complicating factors in the application of HIPPA rules and management decisions with respect to the application of HIPPA. Ms. Richardson also had experienced difficulty in performing her duties as charge nurse with respect to passing off medications to residents based upon the number of residents and the number of medications that were required. Although Ms. Richardson felt that her performance was not satisfactory, the claimant's job was not in jeopardy. Many actually believed that in effect the claimant was on a learning curve as she had not previously worked with a substantial number of patients in previous employment. Work continued to be available to Ms. Richardson at the time that she chose to leave employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge in this case concludes based upon the evidence in the record that the claimant's primary reason for leaving her employment on March 13, 2007 was her dissatisfaction with the management decision to transfer approximately eight to ten patients to the claimant's portion of the facility. It was established that Ms. Richardson had been off work for a number of days and was dissatisfied on her return to find that additional patients had been assigned to her area. The evidence establishes that the additional patients assigned were done so because of a management decision that the number of patients added was not significant based upon the previous number of patients in Ms. Richardson's area in the past. Although the administrative law judge is cognizant that Ms. Richardson was dissatisfied because of a number of other factors in her employment, the administrative law judge does not find that the claimant has established good cause for leaving for reasons that were attributable to the employer. It appears that the census numbers of patients assigned to staff members did not violate state rules and that the employer had been previously vindicated in a HIPPA issue. In determining whether the claimant has established good cause for quitting for reasons attributable to the employer, an objective rather than subjective standard must be applied.

While Ms. Richardson's reasons for leaving were undoubtedly good from her personal viewpoint, they were not necessary nor compelling, thus good cause attributable to the employer has not been found.

871 IAC 24.32(1)a provides:

Discharge for misconduct.

(1) Definition.

a. "Misconduct" is defined as a deliberate act or omission by a worker which constitutes a material breach of the duties and obligations arising out of such worker's contract of employment. Misconduct as the term is used in the disqualification provision as being limited to conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of employees, or in carelessness or negligence of such degree of recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer. On the other hand mere inefficiency, unsatisfactory conduct, failure in good performance as the result of inability or incapacity, inadvertencies or ordinary negligence in isolated instances, or good faith

errors in judgment or discretion are not to be deemed misconduct within the meaning of the statute.

For the reasons stated herein, the administrative law judge finds that the claimant left work under disqualifying conditions.

DECISION:

The representative's decision dated April 2, 2007, reference 05, is hereby affirmed. The claimant voluntarily quit employment under disqualifying conditions. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

tpn/css