

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LINDA A CRILL**  
Claimant

**REM IOWA COMMUNITY SERVICES INC**  
Employer

**APPEAL NO. 14A-UI-06545-GT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/25/14  
Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 16, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits after the effective date of resignation of June 7, 2014. After due notice, a hearing was scheduled for and held on July 16, 2014. Claimant participated. Employer participated by Lynn Cloven, Program Director.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 29, 2014. Employer had met with claimant on May 19, 2014 and discussed problems she was having with the residents at the facility where she was assigned. Employer discussed moving claimant to another facility, and claimant agreed with the upcoming change. Claimant then submitted a letter of resignation on May 27, 2014. She was having difficulties dealing with personal issues that clients were having at the residence where she had been working. Claimant knew her work assignment was going to change in couple of weeks, but she decided to end her employment at that time. Claimant's letter of resignation provided no explanation for her separation from employment. The resignation simply stated that she was giving her two-week notice effective June 9, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was having difficulty dealing with the residents at the home where she had been assigned.

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.

Iowa Admin. Code r. 871-24.25(3), (21), (27), (37) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(3) The claimant left to seek other employment but did not secure employment.

(21) The claimant left because of dissatisfaction with the work environment.

(27) The claimant left rather than perform the assigned work as instructed.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The residents were very difficult to deal with for claimant. The residents were young and troubled, and many of them had histories of drug abuse and other criminal activity. Claimant felt she could no longer deal with those difficult issues. Employer did respond to claimant's apprehensions. Employer gave claimant a choice of two other residential facilities to work at. Claimant chose another facility, and was scheduled to begin working at the site in early June of 2014. Employer did respond to claimant's concerns in a reasonable fashion.

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer. Claimant's leaving the employment without giving a reason renders the separation without good cause attributable to the employer. Employer responded to claimant's request to be moved to a different facility. Employer was not aware of claimant's demand that she be moved immediately. Claimant did not meet with employer and explain this demand, thus not giving employer an opportunity to respond. Benefits are denied.

**DECISION:**

The decision of the representative dated June 16, 2014, reference 01, is affirmed. Claimant is eligible to receive benefits from May 25, 2014 through June 7, 2014 because employer accepted claimant's resignation prior to the effective date of said resignation. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

dlg/pjs