

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA ZAZUETA-DILLARD
Claimant

APPEAL NO: 17A-UI-02812-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PATHWAYS BEHAVIORAL SERVICES INC
Employer

OC: 02/12/17
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 2, 2017, reference 01, decision that denied benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on April 6, 2017. The claimant participated in the hearing with witness/former Care Coordinator and Peer Support Specialist Chelsea Chandler. Kimberly Costarella, Office Manager; Scott Dickinson, Clinical Supervisor; and Barbara Buss, Employer Representative; participated in the hearing on behalf of the employer.

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 community support specialist (CSS) for Pathways Behavioral Services from July 12, 2012 to February 9, 2017. She voluntarily left her employment because she could no longer work with Integrated Home Health (IHH) Director Roxanne Peterson.

Ms. Peterson started as the IHH Director in December 2015. The claimant and others felt she was not taking care of clients in an effective manner beginning in February/March 2016. Ms. Peterson also told staff members she was going to be taking over as supervisor of the CSS program although she never did. She had no supervisory authority over the claimant.

The claimant worked in the Waverly location and Ms. Peterson worked in Waterloo. Their most extended contact occurred during the monthly meetings that lasted approximately four hours. The claimant advocated for her program and position which often resulted in arguments with Ms. Peterson. Other staff members also argued with Ms. Peterson and disagreed with her strategies. Several clients and at least two staff members filed grievances against Ms. Peterson or her team based on Ms. Peterson's decisions. Clients were often very upset and the claimant did not believe Ms. Peterson served clients effectively. The claimant felt Ms. Peterson created a hostile work environment.

On January 23, 2017, the claimant's supervisor left her position with the employer after 15 years of employment. Later that day the claimant submitted her two-week resignation notice effective February 9, 2017. Ms. Peterson's employment was terminated by the employer February 13, 2017.

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 Ms. Peterson was very difficult for the claimant and others to work with, she was not the claimant's supervisor and the claimant had relatively little contact with her. The administrative law judge does not doubt the claimant's testimony. However, as much as the claimant disliked working with Ms. Peterson, she has not demonstrated that her leaving was due to unlawful, intolerable, or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The March 2, 2017, 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

je/rvs