

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMBER K BARNETT
Claimant

APPEAL 19A-UI-07272-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXCEPTIONAL PERSONS INC
Employer

**OC: 08/18/19
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On September 13, 2019, the claimant filed an appeal from the September 10, 2019, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on October 7, 2019. Claimant participated. Employer participated through program manager Sarah Temple and Sandy Collins. Claimant's Exhibit A was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on October 9, 2018. Claimant last worked as a full-time direct support professional. Claimant was separated from employment on May 25, 2019, when she resigned.

Employer has a policy stating that an on-call supervisor will respond to a call from an employee within one hour.

On December 22, 2018, claimant tried repeatedly to call an on-call supervisor, but it took approximately three hours for the on-call supervisor to respond.

On March 19, 2019, claimant was working in a residential group home with four clients who are older gentlemen. Around 10:15 p.m., one of claimant's clients became upset and punched her in the head repeatedly. Claimant locked herself in the office and called the on-call supervisor and told her what happened. The on-call supervisor said she would call claimant's immediate supervisor. Claimant left the office and went to her car. Claimant called her husband who told her to call the police. Claimant called the police. The on-call supervisor called claimant back and claimant told her that she called the police. The on-call supervisor seemed dismayed that claimant had called the police. Police officers arrived and secured the location. The on-call

supervisor then also arrived and relieved claimant of her duties. Claimant's husband drove her home.

Claimant went to occupational health the next day. Claimant had a headache, but no other physical injury.

Employer asked claimant if she wanted to move to a different home. Claimant chose to remain in the same home.

On April 1, 2019, claimant requested to change part-time status due to her husband's health issues.

Claimant requested to take a leave of absence from April 28, 2019, until May 16, 2019, to care for her husband.

Claimant did not return to work at the end of her leave. Program manager Sarah Temple repeatedly tried to get into contact with claimant.

On May 25, 2019, claimant sent a text message to Temple stating she was not in a good place and that her anxiety was so high she did not think she could care for other people and would not be returning to work.

Claimant had been diagnosed with anxiety over ten years ago. Claimant's therapist advised claimant to seek different work, but did not state that she must resign effective immediately.

Claimant did not have an issue continuing to work with the client in question. However, employer's on-call policy made claimant feel unsafe. Claimant wanted a sooner response time from the on-call supervisor, but never told employer if it did not change its policy or practice in regard to the on-call supervisor response time she would resign.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 Code section 96.5(1)c provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

In this case, I find that claimant resigned to care for her husband. Claimant requested to reduce her status to part time and also requested a leave of absence for the sole reason of caring for her husband. While the events of March 19 were certainly traumatic, claimant did not request to transfer to another house or inform employer that she could not continue in her role without a sooner response time from the on-call supervisor. Claimant resigned to care for her husband and has not returned to offer her services to employer. Therefore, her voluntary resignation is considered without good cause attributable to employer.

DECISION:

The September 10, 2019, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Christine A. Louis
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Decision Dated and Mailed

cal/scn