

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CATHRYN J BOUSSELOT
Claimant

COVENANT CARE MIDWEST INC
Employer

APPEAL 15A-UI-09170-SC-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 07/05/15
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 7, 2015, (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment without good cause attributable to her employer. The parties were properly notified about the hearing. A telephone hearing was held on September 1, 2015. Claimant Cathryn Boussetot participated on her own behalf. Employer Covenant Care Midwest, Inc. did not participate in the hearing.

ISSUE:

Did the 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: The claimant was employed full-time as a Restorative Aide beginning October 2014, and was separated from employment on June 22, 2015, when she quit. The claimant assisted residents with self-care such as feeding themselves. In April 2015, Jodi was hired into the facility and became the claimant's supervisor.

On or about Wednesday, June 17, 2015, the claimant attended a meeting with Jodi and two other Restorative Aides. Jodi admonished the group at the end of the meeting that they were not to assist with nail care on the residents until after their normal jobs were completed as that was a duty typically assigned to the CNAs and not the Restorative Aides. The claimant was very upset by this directive and informed Jodi she would care for the residents' nails when it was requested.

On Friday, July 19, 2015, the claimant was assisting her assigned residents at meal time. Her residents were doing well, so she decided to assist another resident who was not being assisted by anyone else at that time. Jodi reprimanded the claimant in front of the residents, explaining

that it was not her duty to assist that resident and she should focus on her residents. The claimant disagreed with Jodi's directive. The claimant also disagreed with Jodi's management of the facility. The claimant reported to work the following day, but on her next scheduled day, called Jodi and informed her that she was quitting her employment.

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. Benefits are denied.

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(21), (22), (27) and (28) 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 section 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 section 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:

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

(22) The claimant left because of a personality conflict with the supervisor.

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

(28) The claimant left after being reprimanded.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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 claimant was a conscientious employee. She did not agree with the direction in which her new supervisor was leading the facility or the work environment that resulted. She did not appreciate Jodi's direction with regard to patient care as she had worked in the care industry for 20 years and felt she knew the appropriate actions. The claimant's decision to quit because she did not agree with the supervisor about various issues, did not like the work environment, did not want to do the work as her supervisor assigned, and following a verbal reprimand were not good cause reasons attributable to the employer. Benefits must be denied.

DECISION:

The August 7, 2015, (reference 01) unemployment insurance decision is affirmed. The 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.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/pjs