

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURA L JOHNSON
Claimant

APPEAL NO. 15A-UI-08049-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**COMMUNITY HEALTH CENTERS
SOUTHERN IOWA
FOCUS ONESOURCE**
Employer

OC: 06/21/15
Claimant: Appellant (2)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Laura Johnson filed a timely appeal from the July 6, 2015, reference 01, decision that disqualified her for benefits and that relieved the employer of liability for benefits, based on an Agency conclusion that Ms. Johnson had voluntarily quit effective May 29, 2015 without good cause attributable to the employer. After due notice was issued, a hearing was held on August 14, 2015. Ms. Johnson participated. Cody Cooper represented the employer. Exhibits One, Two, Three, A, B and C were received into evidence.

ISSUE:

Whether Ms. Johnson voluntarily quit for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Laura Johnson was employed by Community Health Centers of Southern Iowa/Focus OneSource, as a full-time Integrated Home Health Care Coordinator from June 2014 and last performed work for the employer on or about May 11, 2015. On May 8, 2015, Ms. Johnson submitted her written resignation from the employment. Ms. Johnson resigned in response to a substantial increase in the number of cases she was expected to handle. As of April 9, 2015, Ms. Johnson's caseload consisted of 118 clients, with 32 requiring active case management. This represented an increase from Ms. Johnson's previously assigned caseload. Ms. Johnson worked about 55 hours per week in an attempt to keep up with the work, but found the amount of work very challenging. On April 9, Ms. Johnson met with her supervisor, Reece Tedford, IHH Supervisor with regard to the increased caseload and her inability to keep up. Ms. Johnson asked that some of the clients be assigned to a peer. Ms. Johnson was aware that a peer had a substantially lower caseload. Mr. Tedford declined to reassign cases. As of the beginning of May 2015, Ms. Johnson's caseload grew to 274 clients, with 65 requiring active case management. On May 6, 2015, Ms. Johnson met again with Mr. Tedford. Ms. Johnson told the supervisor that her caseload was overwhelming and that she was stressed out. Ms. Johnson told Mr. Tedford that she had met with her psychiatrist about possibly changing her medication

regimen so that she could have more “focused time.” Mr. Tedford declined to reassign cases and made an implied threat to discharge Ms. Johnson from the employment. Ms. Johnson’s written resignation followed on May 8, 2015. In the written resignation, Ms. Johnson indicated that her last day would be May 29, 2015.

Ms. Johnson suffers from multiple mental health diagnoses that were exacerbated by the employer’s decision to substantially increase her caseload. On May 11, 2015, Ms. Johnson presented the employer with a request for accommodations prepared by her mental health care provider. The employer declined to provide the requested accommodations and elected to end the employment immediately. The employer agreed to pay Ms. Johnson’s salary through May 29, 2015.

REASONING AND CONCLUSIONS OF LAW:

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 requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O’Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

Iowa Admin. Code r. 871-24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

“Change in the contract of hire” means a substantial change in the terms or conditions of employment. See Wiese v. Iowa Dept. of Job Service, 389 N.W.2d 676, 679 (Iowa 1986). Generally, a substantial reduction in hours or pay will give an employee good cause for quitting.

See Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988). In analyzing such cases, the Iowa Courts look at the impact on the claimant, rather than the employer's motivation. Id. An employee acquiesces in a change in the conditions of employment if he or she does not resign in a timely manner. See Olson v. Employment Appeal Board, 460 N.W.2d 865 (Iowa Ct. App. 1990).

The evidence in the record indicates that Ms. Johnson voluntarily quit in response to substantial changes in the conditions of the employment. The evidence establishes that Ms. Johnson's assigned caseload more than doubled between April 9, 2015 and the beginning of May 2015. The evidence establishes that the caseload was challenging before the substantial increase and did indeed become overwhelming by the beginning of May 2015. Ms. Johnson voluntarily quit the employment for good cause attributable to the employer. Accordingly, Ms. Johnson is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits.

DECISION:

The July 6, 2015, reference 01, decision is reversed. The claimant voluntarily quit the employment for good cause attributable to the employer. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs