

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHRYN A KLINE
Claimant

APPEAL NO. 08A-UI-05443-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 09/30/08 R: 01
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Kathryn Kline, filed an appeal from a decision dated June 3, 2008, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 2, 2008. The claimant participated on her own behalf. The employer, Care Initiatives, participated by Director of Nursing (DON) Denise Petty, Business Office Manager Loretta Frahm and was represented by Johnson and Associate in the person of Lynn Corbeil. Exhibit One was admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Kathryn Kline was employed by Care Initiatives from October 31, 2007 until April 30, 2008, as a full-time certified nursing assistant (CNA). At the time she was interviewed by DON Denise Petty she said she had her certification as a certified med aide. Ms. Petty hired her only as a CNA because the facility is small and does not require the services of a CMA. Two other CNAs had studied on their own to be CMAs, and were doing their practicum at the facility under the supervision of the nurses, but they were not hired, and were not employed, as CMAs.

The claimant requested time off on April 22, 2008, to work at another job. The request was denied by Ms. Petty under the provisions of the employee handbook specifying other employment was not to interfere with the regular job duties at G&G. Three days later the claimant submitted a written resignation stating she was quitting because she was not being trained or oriented as a CMA. Continuing work was still available to her had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

The claimant quit because she felt her contract of hire had been altered. However, she was never hired to be a CMA, only a CNA. G&G does not have anyone working as a CMA at its facility as there is no need for anyone with that certification on staff. Just because she has the certification as a CMA does mean she was hired for that position. The claimant's contract of hire was not changed and she did not have good cause attributable to the employer for quitting. She is disqualified.

DECISION:

The representative's decision of June 3, 2008, reference 03, is affirmed. Kathryn Kline is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css