

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICIA D MASTERSON
Claimant

APPEAL 18A-UI-05402-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNITED HEALTHCARE SERVICES INC
Employer

**OC: 04/01/18
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 3, 2018, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on May 30, 2018. Claimant participated. Employer participated through utilization managers Cindy Koester and Mary Newlin.

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 was employed as a full-time utilization manager nurse, who worked from home. Her last day of work was April 5, 2018. She was paid through the intended resignation date of April 11, 2018. She quit because of perceived “verbal assaults on her character and harassment,” and because she was afraid she was going to be fired. Continued work would have been available had she not quit. There may have been some coaching but Koester had no intention to discharge her. Claimant alleged Koester made a comment about her character but could not recall when or what was said. Koester does speak with employees about issues such as persistence. Although claimant argued Koester would not answer questions about work, Koester met weekly with claimant by phone. In August 31, 2017, claimant objected to direction given to her by a physician and doubted the effectiveness. She claimed the physician verbally attacked her. Koester offered to take the next presentation with the same physician in her place but claimant declined. The employer’s policy is that the M.D. has the final authority when there is a dispute with a nurse. On October 10, 2017, claimant told Koester she was updating her resume, had concerns about preferring a pediatric assignment, and was “hurt” because she had given a new, non-pediatric assignment. Koester was not clear if claimant meant she would be seeking other work within or outside of the company. Koester recognized her expertise and preference, but told her a particular assignment could not be guaranteed because the needs of the department would have to come first. (Employer’s Exhibit 2). On October 31, 2017, Koester thanked her for picking up a new facility assignment and being adaptable. On November 1, 2017, claimant

made a complaint about the high work volume and said she should not have to manage this hospital. On November 7, 2017, complaints about the way the assigned hospital communicated with her, noting lengthy faxes and criticized the leadership decision to assign that work to her team, stating that it should be reassigned to the other team again with an apology. In a November 8, 2017, email from Koester to claimant, Koester explained she understood the volume was high and would get her some help, which she did. On November 22, 2017, Koester, thinking the information would be well-received, told her they would split her work assignment rather than give help day-to-day, effective November 27. Claimant became unprofessional: emotional, screaming, crying, repeating herself, complaining that she disliked the assignments and believed she was treated unfairly. On February 20, 2018, Koester called her to advise she was being relieved from the non-pediatric assignment with which she was struggling. Koester replaced her in another non-pediatric assignment because the pediatric assignment was not enough for a full work load and noted things she did well. Claimant gave notices of intention to resign on December 18, 2017, March 27, 2018, and April 5, 2018. The employer allowed her to rescind the notices in December and March, but accepted the April 5 notice. (Employer's Exhibit 1)

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 Admin. Code r. 871-24.25 provides, in pertinent part:

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:

(6) The claimant left as a result of an inability to work with other employees.

(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.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation.

While the employer has the burden to establish the separation was a voluntary quitting of employment rather than a discharge, 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).

The claimant's decision to quit because she was unhappy with job assignments, did not like the supervisor's feedback, and she did not agree with the supervisor about various other issues did not establish any good cause reason attributable to the employer.

DECISION:

The May 3, 2018, (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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/scn