

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA S MATTAS
Claimant

APPEAL NO. 10A-UI-14207-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**COUNTRYSIDE NURSING
& REHABILITATION**
Employer

**OC: 08/01/10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated October 8, 2010, reference 01, which denied benefits based upon her separation from Countryside Nursing & Rehabilitation. After due notice was issued, a telephone hearing was held on December 1, 2010. The claimant participated personally. The employer participated by Ms. Debbie Menzenberg, administrator.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Rebecca Mattas was employed by Countryside Nursing and Rehabilitation from October 1, 2007, until July 6, 2010. Ms. Mattas worked as a full-time director of nursing and was paid by salary. Her immediate supervisor was Debbie Menzenberg.

Ms. Mattas left her employment after becoming generally dissatisfied with the work environment and management decisions made the by the facility's administrator.

At the time that Ms. Mattas gave her 30-day notice of intention to leave on June 16, 2010, the claimant cited financial issues. In the claimant's written resignation, she indicated that it was "best for her to leave" and indicated a desire to seek other employment.

On June 16, 2010, Ms. Mattas felt that the home's administrator had unduly questioned her and made negative statements about a resident care situation that had required the intervention of the police due to a combative resident. The home's administrator had made statements about the delay time in police response and had questioned Ms. Mattas because of concern that the claimant may have jeopardized her safety with the resident.

Ms. Mattas had become increasingly dissatisfied with her employment, believing that at times Ms. Menzenberg had been overly critical or demeaning in department head meetings. The claimant had also disagreed with other management decisions made by Ms. Menzenberg related to supplies and verification of the working hours claimed by hourly employees.

The claimant's employment with Countryside Nursing & Rehabilitation was ended by the employer prior to the effective date of July 16, 2010, because of comments made by Ms. Mattas on July 6 and the claimant urging other workers to complain about Ms. Menzenberg.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does not.

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.

In this case, the evidence in the record established that Ms. Mattas had become increasingly dissatisfied with her employment for a variety of reasons. The claimant's primary dissatisfaction was her disagreement with management decisions that had been made by the facility's administrator and the demeanor that the administrator had shown at times in interacting with department heads. Ms. Mattas had also become dissatisfied because previous financial incentives that were available to her had been removed by the facility's new owners approximately one year before the claimant's leaving employment. The final incident that caused the claimant to resign took place when the claimant believed that the administrator had unduly questioned her about being in the room with a combative resident on June 16, 2010. The administrator's inquiry was reasonable and work-related. The claimant, however, chose to tender her resignation from employment at that time, stating only general reasons for leaving.

871 IAC 24.25(21) 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.

871 IAC 24.25(38) 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:

(38) Where the claimant gave the employer an advance notice of resignation which caused the employer to discharge the claimant prior to the proposed date of resignation, no disqualification shall be imposed from the last day of work until the proposed date of resignation; however, benefits will be denied effective the proposed date of resignation.

In this case, the evidence shows that the claimant gave the employer advance notice of resignation and that the claimant was discharged prior to the proposed date of resignation. Under the provisions of 871 IAC 24.25(38), no disqualification shall be imposed from the last day of work until July 16, 2010, the proposed date of resignation. Benefits, however, will be denied effective the proposed date of resignation, July 16, 2010.

DECISION:

The representative's decision dated October 8, 2010, reference 01, is affirmed as modified. The claimant left employment without good cause attributable to the employer. No disqualification is imposed from July 6, 2010, through July 16, 2010. However, benefits are denied effective July 16, 2010, until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw