

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**RITA L MORGAN
517 E 12TH ST
DAVENPORT IA 52803**

**MANOR CARE
815 E LOCUST ST
DAVENPORT IA 52803**

**Appeal Number: 04A-UI-08782-CT
OC: 02/08/04 R: 04
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Rita Morgan filed an appeal from a representative's decision dated August 6, 2004, reference 08, which denied benefits based on her separation from Manor Care. After due notice was issued, a hearing was held by telephone on September 7, 2004. Ms. Morgan participated personally. The employer participated by Brad Reed, Human Resources Manager, and Ron Hinz, Food Service Director.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Morgan was employed by Manor Care from June 23 until July 16, 2004. She was initially hired to work as a dietary aide but, before she began the position, was offered the position of cook. She accepted the position of cook but could not handle it at the time because of stress. Therefore, Ms. Morgan began working as a dietary aide approximately one week after the employment began. She quit the employment because of stress.

One of Ms. Morgan's duties was to work in the dish room. After approximately one week, she advised the food service director that the repetitive work in the dish room caused her hands to hurt. She was told to give the job some time. She also had difficulty maneuvering the cart on which she delivered meals to residents. She did not return to the food service director to advise that she was still having problems with her hands. Ms. Morgan was experiencing stress because her mother, who resided in the employer's facility, was in failing health. She was also under stress because her son was returning home from a residential detention facility.

On her last day at work, Ms. Morgan became engaged in an argument with the cook concerning scoop sizes. The cook apparently felt Ms. Morgan was implying that she did not know her job. Ms. Morgan was simply trying to confirm that she had enough food before she took the meal cart to the floors. As a result of the argument, both parties went into the office of the food service director to speak with him. The food service director was attempting to resolve the issues the two were having but they continued to argue with each other. At some point, Ms. Morgan announced that she was quitting. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Morgan was separated from employment for any disqualifying reason. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code Section 96.5(1). Ms. Morgan had the burden of proving that her quit was for good cause attributable to the employer. Iowa Code Section 96.6(2). She quit because of stress and acknowledged that work was not the only sources of stress for her. The administrative law judge appreciates that the repetitive movements in the dish room caused her hands to hurt which created stress. Ms. Morgan reported the problem with her hands to her supervisor and was told to give the job some time. Because she did not return to her supervisor to advise that the problem was continuing, the employer had every reason to believe that the problem with her hands had been resolved once she got use to performing the job on a routine basis.

Ms. Morgan's decision to quit was triggered by the argument she had with the cook on July 16. The employer was making a good-faith effort to mediate their differences when Ms. Morgan quit. She had not previously brought to her supervisor's attention any problems she may have been having with other coworkers. Ms. Morgan announced her decision to quit while still in the meeting with the cook and the food service director. The administrative law judge concludes that she did not give the employer a fair opportunity to address the concerns raised by the argument with the cook or other concerns which were creating stress. It is concluded, therefore, that Ms. Morgan has failed to establish that she had good cause attributable to the employer for quitting. Accordingly, benefits are denied.

DECISION:

The representative's decision dated August 6, 2004, reference 08, is hereby affirmed. Ms. Morgan voluntarily quit her employment for no 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 job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjf