

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

ROSE A LOCHNER
4834 COLONEL DR
DUBUQUE IA 52002-2621

DUBUQUE RHEUMATOLOGY PC
2140 JFK RD
DUBUQUE IA 52001-3883

Appeal Number: 06A-UI-06004-HT
OC: 05/14/06 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) – Quit

STATEMENT OF THE CASE:

The claimant, Rose Lochner, filed an appeal from a decision dated June 1, 2006, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 29, 2006. The claimant participated on her own behalf. The employer, Dubuque Rheumatology, PC, participated by Dr. George Isaac and X-Ray Technician Ann McGrath.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Rose Lochner was employed by Dubuque Rheumatology from August 15, 2003 until May 10, 2006. She was a full-time registered nurse.

On May 10, 2006, Dr. George Isaac had scheduled a staff meeting. Ms. Lochner first tried to avoid it the previous day by saying she had a personal appointment scheduled at the same time. The meeting was then set an hour later so she could attend, and on the day of the meeting, asserted she knew nothing about it. She was required to attend because the doctor felt it was important that all the staff be present to discuss problems and solutions.

Ms. Lochner felt the meeting was "aimed" at her because among the subjects discussed was time management on the phone. Dr. Isaac told the staff they did not have to listen to a patient's "entire life story" and to try to keep the phone time to a minimum so time could be devoted to other duties. The claimant believed she was being ordered to be "rude" to patients and denied that she spent excessive time on the phone. Dr. Isaac recommended she use one of the timers to measure the length of each of her calls.

Once this discussion began, the doctor also discussed her "attitude," and that she had been given instructions by him to prepare an injection, at which time she expressed her displeasure by her facial features and tossing a document onto a desk. Other staff members had complained about this sort of conduct and felt Ms. Lochner was trying to avoid doing her share of the work. In addition, Dr. Isaac made out the schedules for appointments and Ms. Lochner would change them without giving him notice. She would also schedule breaks at the satellite clinics when she had specifically been told not to do this.

After hearing the problems discussed Ms. Lochner stood up and said she was quitting. She said Dr. Isaac was not a "good boss" and the staff meeting was all about her, and left immediately.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is. 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.

871 IAC 24.25(21), (22), (28) 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.

(22) The claimant left because of a personality conflict with the supervisor.

(28) The claimant left after being reprimanded.

The claimant appears to have had many grievances against the employer, but was not prepared to accept it had grievances about her. All of her complaints were in regard to the shortcomings in her work performances which she was not willing to listen to or help work out. She acknowledged scheduling breaks at the satellite clinics after being told not to. In addition, she admitted to showing her displeasure at being told to prepare an injection by a disapproving facial expression and tossing a document onto a desk.

Her perception that she was being "ordered" to be "rude" to patients cannot be supported by the evidence in the record. The employer was merely asking that the calls not be prolonged beyond what was necessary to get the required information. Her other allegations of mistreatment cannot be supported even with her own testimony and admissions.

The record establishes the claimant quit because she did not like the work environment, she had a personality conflict with her supervisor and because she was being reprimanded. Under the provisions of the above Administrative Code sections, these do not constitute good cause attributable to the employer for quitting and the claimant is disqualified.

DECISION:

The representative's decision of June 1, 2006, reference 01, is affirmed. Rose Lochner is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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