

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE L DOFNER
Claimant

APPEAL NO: 13A-UI-13123-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RAYMOND EISCHEID DDS
Employer

OC: 10/27/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 20, 2013 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at a December 17 hearing. Julie Eischeid, the office manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on November 5, 2012. The employer hired the claimant as a dental assistant who was in training for a year. After November 5, 2013, or a year of training, the claimant could only work as a dental assistant if she passed a test to become a registered dental assistant. The claimant could take the test after six months of training, but had to complete the test on or before November 5, 2013, to continue working as a dental assistant for the employer or any other dentist.

During her employment, the claimant experienced a number of personal health-related incidents with herself and immediate family members. As a result of these on-going issues, she missed work, but the employer worked with her and wanted the claimant to continue her employment.

The employer pays employees twice a month, on the 16th and last day of the month. There were times during the claimant's employment that the employer made mistakes and did not timely pay the claimant for all time she worked during a pay period. When this occurred, the employer made up the difference on the next paycheck. Before Eischeid issued checks, she made a copy of employees' time cards and expected corrections to be made before she issued the payroll check. The employer admits on one paycheck, the employer forgot to pay the claimant holiday pay for a day. When the claimant brought this to Eischeid's attention, the

employer gave the claimant the choice of being paid immediately for these eight hours or to wait until the next paycheck for this money. The employer understood the claimant had no problems waiting until the next pay period for these additional wages. When there was a discrepancy with time it was usually between 30 and 60 minutes.

The claimant did not like Eischeid clocking her in or out. Eischeid did this when the claimant forgot to clock in or out for lunch. Sometimes in her haste to get payroll finished Eischeid estimated the amount of time employees worked. When her estimate was incorrect, she paid the difference on the next payroll check.

During her employment, the employer asked the claimant to help with some office duties. The employer is a small office and employees work as a team, providing help to others as needed. The claimant did not mind answering phones, but she did not like to schedule appointments or do filing. The claimant was hired as a dental assistant and only wanted to perform dental assistant work.

In August or September the claimant told Eischeid she would not transfer a patient, who the claimant believed needed a lift to be safely transferred. Eischeid was not going to have the claimant transfer the patient. When the claimant returned to the dental room, Dr. Eischeid was in the process of transferring this patient by himself. The claimant then helped him transfer the patient. After this incident occurred, the employer did not want or ask the claimant to transfer any patients. The employer even asked the facility where the patients resided to have one of their employees accompany the patient to the employer's clinic to transfer this individual. When the facilities declined to provide employees to assist in transferring patients, these patients stopped going to the employer.

The claimant understood she had to take and pass a test on or before November 5, 2013, to continue working as a dental assistant. She studied for the test, but had not taken the test by November 1 or as of mid-December 2013. The employer provided the claimant with a manual to prepare for the test. The employer would pay for the registration and the cost of test if she passed the test the first time she took it. The initial cost was \$75. If the claimant did not pass the test, she would be required to pay a tutor herself to help her pass the test.

On October 2, the claimant talked to Eischeid about issues she had at work. The claimant told Eischeid that she did not want Eischeid to clock the claimant in or out. Since the employer knew some payroll errors had been made, Eischeid told the claimant she could always use a second computer to enter her time. Eischeid also showed the claimant how to review her timecard before payroll so corrections could be made before payroll instead of after payroll checks were issued. The claimant also talked to Eischeid about the extra job duties the employer asked the claimant to do. Eischeid explained that more duties the claimant was capable of performing made her a more valuable employee and would result in higher wages for her. The employer did not have any problems with the claimant as a dental assistant and planned to keep her as an employee if she passed the required test on or before November 5. The claimant did not want to do extra work and did not after October 2, 2013. The claimant wanted a raise without doing extra job duties.

The claimant also talked to Eischeid about transferring patients. The employer had already decided the claimant would not transfer any patients.

On November 1, 2013, the claimant walked out and did not return to work. She told the employer she could not handle the stress any longer and there were too many unresolved issues. The claimant had not made corrections to her time on the computer. Instead, she left

written notes that Eischeid did not receive. The employer was surprised when the claimant walked out and quit.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits with good cause when she leaves because of a substantial change in her employment. 871 IAC 24.26(1). The law also presumes a claimant quits without good cause when she leaves because of a personality conflict with a supervisor. 871 IAC 24.25(22).

When the claimant quit, the employer had already resolved the issue with transferring some patients who needed assistance and did not require the claimant to perform additional office duties when she was not busy. After the claimant told the employer that she did not want Eischeid to punch her in and out, the employer told the claimant to use a second computer to record the time she worked. The employer also showed the claimant how to review the time recorded and to make any corrections on the second computer so changes could be made before payroll checks were issued. The claimant apparently did not follow these instructions since there was still a small discrepancy in the amount of time she worked and the amount of time she was paid on November 1. While this may have been frustrating, the claimant's failure to double check her time before payroll checks were issued and to make the corrections on a second office computer resulted in a minor pay discrepancy.

Even though the employer wanted the claimant to continue her employment if she passed a test to become a registered dental assistant, the claimant had problems working with the office manager, Julie Eischeid. The claimant established personal reasons for quitting, but these reasons do not establish that the claimant quit for reasons that qualify her to receive benefits. As of October 27, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 20, 2013 determination (reference 02) is affirmed. The claimant voluntarily quit her employment for personal reasons, but these reasons do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 27, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs