

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERTA RONFELDT
Claimant

APPEAL NO: 09A-UI-06926-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 04-05-09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 28, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on April 28, 2009. The claimant participated in the hearing. Irene Enarson, Dietary Services Manager; Jeff Slotsky, Administrator; and Josh Burrows, Employer Attorney participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time cook/dietary aide for Care Initiatives from June 15, 2007 to April 3, 2009. On March 20, 2009, she submitted her two-week resignation notice stating it was due to "circumstances beyond (her) control." When she was hired she asked about becoming a full-time employee and was told it might be a possibility if another employee left. The other employee left approximately three months later but because the employer's census was low it could not move the claimant to full-time status. She was also upset about the number of occasions she was called in to work weekend mornings because another employee was not reliable. She agreed to work when called in but would tell the employer the other employee needed to work her 3:00 p.m. to 7:00 p.m. shift for her and the employer and other employee agreed. Finally, the claimant was having a difficult time dealing with the deaths of residents. She mentioned how hard the deaths were hitting her to Dietary Services Manager Irene Enarson and Ms. Enarson stated that it was difficult but because of the nature of the business it was something she would have to get used to. The claimant submitted her resignation notice following that conversation. She believed the employer should have offered counseling or pamphlets to help deal with the number of deaths she experienced but forgot that the employer has an employee assistance program that was discussed at yearly in-service meetings.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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 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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant was frustrated by having to work the other employee's hours she agreed to do so with the understanding that the other employee would work her hours later in the day. She told the employer at the time of hire she was willing to be called if the employer had extra hours and while the employer knew she was sometimes upset about being called in she had the option of declining but almost always agreed to work the other employee's hours. She wanted to be a full-time employee but the employer's lower census prevented the employer from changing her to full-time status. The proverbial last straw occurred after her conversation with Ms. Enarson about her difficulty in dealing with the deaths of residents. She felt Ms. Enarson's response was cold and uncaring and decided to quit her job. Although it is understandable that she was put out about having to work for the other employee and not being made a full-time employee, and there is no doubt that the deaths of residents took its toll on the claimant and other employees as well, she has not demonstrated that the work environment was unlawful, intolerable or detrimental as defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The April 28, 2009, reference 01, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css