

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

HEIDI DOUGHMAN

Claimant

APPEAL NO: 20A-UI-10344-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

STEFFANY L MOHAN DDS PC

Employer

OC: 03/15/20

Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 26, 2020, reference 02, decision that allowed benefits for the one week of her resignation notice because the employer ended her employment before she could complete her notice period. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on October 12, 2020. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

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 full-time dental assistant for Steffany L. Mohan, D.D.S., P.C. from January 21, 2019 to June 5, 2020. She voluntarily left her employment due to an intolerable work environment.

The claimant worked for one dentist until his separation from employment around the beginning of May 2020. She was then assigned to a different dentist but felt she could not please the new dentist. On June 3, 2020, the claimant expressed her concerns about the situation to the office manager. On June 4, 2020, the claimant and the dentist she was assigned to work with worked in the Ames office. On Friday, June 5, 2020, they were scheduled to work in the West Des Moines office. She was called into an extremely small office with the office manager and Dr. Steffany Mohan, the owner of the practice. The claimant immediately stated she could not be in a meeting in that small room due to her post traumatic stress disorder (PTSD) and anxiety. The claimant had PTSD because her ex-husband was abusive. The employer told her to close the door. They sat down with their knees touching due to the size of the room. The office manager immediately elevated her tone which upset the claimant. After approximately ten minutes of discussing the situation involving the claimant and the dentist she was working for the office manager indicated the claimant's employment would be terminated but Dr. Mohan interjected and said she was not going to be discharged because it was difficult to find good assistants.

The claimant was shaking and having a panic attack and they gave her a nutrition bar. The claimant tried to explain that was not the problem. They were in the room for more than one hour while other assistants and dentists interrupted the meeting with questions. The claimant was crying and was berated and told she should not let her anxiety control her and she needed to go to therapy. They then sent the claimant text messages while they all were in the office suggesting audible self-help books the claimant should read and the claimant was extremely embarrassed. The employer called in the dentist the claimant had been working for even though the claimant stated she "couldn't handle" one more person in that tiny room. When the other dentist entered the room the claimant felt attacked by three people. She believed she could not leave the office without being discharged. Eventually there was an emergency in the dental clinic and everyone but the claimant left the room. The claimant was so upset she left the clinic without telling the employer she was going home. The next day was Saturday and the claimant was still so traumatized she called a hotline due to the severity of her panic attack the day before. On Sunday the claimant was very apprehensive about going back to work and facing another confrontation. The claimant sent the employer an email giving her one-week resignation notice and the employer told her not to return. The claimant started a new job July 27, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The employer was aware the claimant had PTSD and anxiety issues prior to calling her into the meeting in an extremely small room. The employer effectively ignored her distress and the fact she was shaking and crying and told them she could not be in a room that small with two other people. There were other rooms where the meeting could have been held but the employer did not respond to the claimant's statements about the room. Instead of simply moving to a different room that would not trigger the claimant's PTSD the employer texted her the names of self-help books and told her she needed to control her anxiety and go to therapy, all of which were insensitive and inappropriate. Because of the way that meeting was handled, the employer created an intolerable and detrimental working environment for the claimant and made it impossible for her to return to work.

The law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). It would be reasonable for the

employee to inform the employer about the conditions the employee believes are intolerable or detrimental and to have the employee notify the employer that she intends to quit employment unless the conditions are corrected. This would allow the employer a chance to correct those conditions before a quit would occur. However, the Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of her PTSD and anxiety and that she was having a panic attack due to the way they handled the meeting June 5, 2020. The claimant subsequently quit due to those conditions. Therefore, benefits are allowed.

DECISION:

The August 26, 2020, reference 02, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.



Julie Elder
Administrative Law Judge

October 20, 2020
Decision Dated and Mailed

je/mh