

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE HARTMAN
Claimant

APPEAL 20A-UI-10264-BH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

NATHAN LITTAUER HOSPITAL
Employer

**OC: 06/14/20
Claimant: Appellant (2)**

Iowa Code section 96.5(1) – Voluntary Quit
Iowa Administrative Code rule 871-24.25 – Voluntary Quit Without Good Cause Attributable to the Employer
Iowa Administrative Code rule 871-24.26 – Voluntary Quit With Good Cause Attributable to the Employer

STATEMENT OF THE CASE:

The claimant, Michelle Hartman, appealed the August 21, 2020 (reference 01) unemployment insurance decision that denied benefits based upon a finding Hartman voluntarily quit her job with Nathan Littauer Hospital (The Hospital) without good cause attributable to the employer. The agency properly notified the parties of the appeal and hearing.

The undersigned presided over a telephone hearing on October 8, 2020. Hartman participated personally and testified. The Hospital did not participate. Claimant's Exhibit A was admitted into evidence.

ISSUES:

Was Hartman's separation from employment with the Hospital a layoff, discharge for misconduct, or voluntary quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the undersigned finds the following facts.

The Hospital hired Hartman on October 7, 2019, with a \$10,000 signing bonus. Hartman worked full time as a family nurse practitioner. Hartman resigned effective June 5, 2020.

On February 27, 2020, Hartman submitted written notice that she would not renew her contract, so her last day of work would be October 6, 2020. Hartman did not want to renew her contract with the Hospital because she wanted to live closer to her family. Her mother was getting older in age and Hartman wanted to be near her.

Hartman took a leave of absence. When she returned, the Hospital made changes to her working conditions. The Hospital reduced Hartman's hours and required her to take paid time off (PTO) or go without pay. When Hartman asked Patrice McMahan about the change in hours, McMahan threatened to transfer Hartman to a facility in an area with a higher rate of COVID-19 in the service population.

Hartman signed to be a family practice nurse practitioner. The Hospital reassigned her to work with emergency cases, which consists of more involved care. Consequently, Hartman consulted with her peers on questions of patient care. When McMahan found out, she belittled Hartman and questioned the Hospital's decision to hire her.

On one occasion, Hartman provided care to a patient who exhibited COVID-19 symptoms. Hartman prescribed a COVID-19 test, but the Hospital rejected her recommendation. Ultimately, the patient contacted the public health department, which helped get the patient a test.

The Hospital also did not assign Hartman a collaborating physician. A collaborating physician is a supervising physician for mid-level practitioners such as Hartman. She felt the lack of a collaborating physician was a safety concern. After she voiced her concerns about the detrimental situation, McMahan informed her that she could resign immediately and not have to pay back the \$10,000 bonus.

Hartman responded by resigning because, given the decline in her working conditions, the only reason she had not resigned earlier was the requirement that she would have to repay her signing bonus. She feels that the Hospital decided to force her out after she gave notice that she would not renew her contract.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the undersigned concludes Hartman voluntarily left employment with The Hospital without good cause attributable to the employer under the Iowa Employment Security Law, Iowa Code chapter 96.

Iowa Code section 96.5(1) disqualifies a claimant from benefits if the claimant quit the job without good cause attributable to the employer. The Iowa Supreme Court has held that good cause requires "real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). Moreover, the court has advised that "common sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

According to the Iowa Supreme Court, good cause attributable to the employer does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Emp't Appeal Bd.*, 433 N.W.2d 700, 702 (Iowa 1988). Good cause may be attributable to "the employment itself" rather than the employer personally and still satisfy the requirements of the Act. *E.g. Raffety v. Iowa Emp't Sec. Comm'n*, 76 N.W.2d 787, 788 (Iowa 1956).

A burden-shifting framework is used to evaluate quit cases. Because an employer may not know why a claimant quit, the claimant has the initial burden to produce evidence suggesting the claimant is not disqualified from benefits under Iowa Code section 96.5(1) a through j and section 96.10. If the claimant produces such evidence, the employer has the burden to prove the claimant is disqualified from benefits under section 96.5(1).

Iowa Administrative Code rule 871-24.25 creates a presumption a claimant quit without good cause attributable to the employer in certain circumstances. Iowa Administrative Code rule 871-24.26 identifies reasons for quitting that are considered for good cause attributable to the employer. Under rule 871-24.25(21), it is presumed a claimant quit without good cause attributable to the employer if the claimant “left because of dissatisfaction with the work environment.” On the other hand, rule 871-24.26(4) provides that a quit is considered to be for good cause attributable to the employer if the claimant “left due to intolerable or detrimental working conditions.”

Here, the evidence shows that Hartman was experiencing more than dissatisfaction with her work environment. McMahon belittled her. The Hospital changed her assignment from family practice to emergency care and refused to provide a supervising physician. The Hospital also interfered with her care recommendations; one instance of particular concern involved refusing to provide a patient the COVID-19 test Hartman recommended until after the public health department intervened.

Taken together, the evidence shows Hartman resigned because of intolerable or detrimental working conditions. Hartman therefore quit employment with the Hospital for good cause attributable to the employer. Benefits are allowed, provided Hartman is otherwise eligible.

DECISION:

The August 21, 2020 (reference 01) unemployment insurance decision is reversed. Hartman voluntarily left employment with good cause attributable to The Hospital. Benefits are allowed, provided Hartman is otherwise eligible. All benefits withheld due to the August 21, 2020 (reference 01) decision shall be paid.



Ben Humphrey
Administrative Law Judge

October 12, 2020
Decision Dated and Mailed

bh/sam