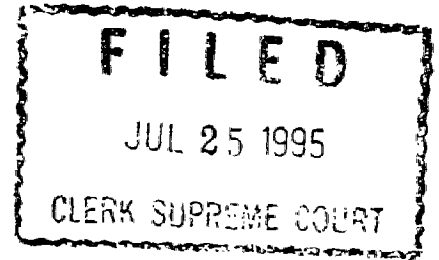


IN THE COURT OF APPEALS OF IOWA

No. 5-304 / 94-2032



LINDA M. SCHULTZ,

Appellant,

vs.

HUMBOLDT CARE CENTERS, INC.,
AND IOWA EMPLOYMENT APPEAL
BOARD,

Appellees.

Appeal from the Iowa District Court for Humboldt County, Allan L. Goode,
Judge.

Schultz appeals the district court's ruling on judicial review denying her claim
for unemployment benefits. **AFFIRMED.**

David C. Skilling, Algona, for appellant.

Gregory H. Stoebe, Humboldt, for appellee-employer.

William C. Whitten, Employment Appeal Board, for appellee-board.

Heard by Donielson, C.J., and Hayden and Huitink, JJ.

HUITINK, J.

Linda Schultz appeals the district court's ruling on judicial review denying her claim for unemployment benefits. We affirm.

Schultz was employed by Humboldt Care Center as a licensed practical nurse from November 1, 1988, through April 24, 1993. In September 1992 Schultz gave verbal notice of her intent to quit. In her April 12, 1993, resignation letter Schultz cited insufficient staffing, inadequate supervision by the director and assistant director of nursing, and failure of the employer to properly handle problems involving a coworker as reasons for quitting.

Schultz filed a claim for unemployment benefits. Humboldt Care Center resisted, claiming Schultz was disqualified from receiving benefits because she voluntarily quit without good cause attributable to her employer. An administrative law judge affirmed a claims deputy's denial of benefits. The Employment Appeal Board affirmed on appeal, and the district court affirmed on judicial review.

Schultz claims the Employment Appeal Board's decision is not supported by substantial evidence. Our review of the district court's decision is limited to corrections of errors at law. *Roberts v. Iowa Dep't of Job Servs.*, 356 N.W.2d 218, 221 (Iowa 1984). We, like the district court, are bound by the agency's fact findings if those findings are supported by substantial evidence. Iowa Code § 17A.19(8)(f) (1993). Evidence is substantial if a reasonable person would find it adequate for reaching a

decision. *Peoples Memorial Hosp. v. Iowa Civil Rights Comm'n*, 322 N.W.2d 87, 91 (Iowa 1982).

We review the district court's decision on the validity of an agency action to determine only whether the court correctly applied the law. *Henry v. Iowa Dep't of Transp. M.V.D.*, 426 N.W.2d 383, 385 (Iowa 1988). We apply the standards of section 17A.19(8) to determine whether our conclusions are the same as those of the district court. *Id.*

Iowa Code section 96.5 (1993) provides:

An individual shall be disqualified for benefits:

(1) Voluntary quitting. If the employee has left work voluntarily without good cause attributable to the individual's employer, if so found by the Division of Job Services.

Intolerable or detrimental working conditions are good cause attributable to the employer. 345 Iowa Admin. Code 4.26(4) (1995); *McCunn Equip. v. Employment Appeal Bd.*, 451 N.W.2d 510, 511 (Iowa 1989). We apply an objective reasonable belief standard in determining whether a claimant left work voluntarily with good cause attributable to the employer. *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660, 662 (Iowa 1993).

The administrative law judge (ALJ) acknowledged Schultz's concerns about the lack of adequate staffing and supervision. However, the ALJ was unable to reconcile Schultz's claims her employment conditions were intolerable and detrimental with her willingness to continue working for another nine months. The Employment Appeal

Board rejected the ALJ's findings and reasoning regarding the nursing home's staffing and supervision. It instead relied on evidence of a recent inspection of the nursing home by the Division of Inspections and Appeals which found no staffing deficiencies or violations of law. Neither the ALJ or the Employment Appeal Board were obligated to accept Schultz's conflicting evidence on this issue. We, like the district court, find the Employment Appeal Board's decision is supported by substantial evidence.

Schultz has correctly identified the objective standard we are to follow in determining whether there is good cause attributable to the employer. We, however, disagree with her claim the Employment Appeal Board failed to apply this standard. Contrary to her claim, we find nothing in the Appeal Board's decision which expressly or by implication required her to prove the nursing home's staffing requirements failed to meet minimum administrative requirements. We read the decision to say a reasonable person in Schultz's position would not have found the staffing conditions intolerable or detrimental.

The district court is accordingly affirmed.

AFFIRMED.