

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JANET R DEEHRING
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BURLINGTON IA 52601

SOUTHEASTERN COMMUNITY COLLEGE
ATTN SECRETARY
PO BOX 180
WEST BURLINGTON IA 52655

Appeal Number: 04A-UI-02245-B4T
OC: 01-25-04 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Janet R. Deehring appealed from an unemployment insurance dated February 23, 2004, reference 01, that held, in effect, the claimant voluntarily left her employment with Southeastern Community College on January 23, 2004 without good cause attributable to the employer. Unemployment insurance benefits were denied.

A telephone conference hearing was scheduled and held on March 15, 2004 pursuant to due notice. Janet R. Deehring participated. Michelle Foster, Director of Human Resources, participated on behalf of the employer. Joan Williams, Vice President of Student Services, and Kathy Meyers, Director of Trio Programs, participated as witnesses on behalf of the employer.

Official notice was taken of the unemployment insurance decision dated February 23, 2004, reference 01, together with the pages attached thereto (24 pages in all). Employer's Exhibits 1 and 2 were admitted into evidence. Claimant's Exhibit A was admitted into evidence.

FINDINGS OF FACT:

The administrative law judge, having examined the entire record in this matter, finds that: Janet R. Deehring was initially employed with Southeastern Community College on or about July 23, 2001. The claimant performed the job duties of an Upward Bound administrator. The claimant had worked in a different capacity prior to July 23, 2001.

During the tenure of the claimant's employment she was warned in writing on one occasion that her job was in jeopardy. See pages 9 and 10, attached to the decision under consideration. Numerous areas of concern were identified in the written warning. The claimant had been unable to work well with Kathy Meyers, Director of Trio Programs, who was her immediate supervisor. The claimant had never filed a formal complaint regarding Kathy Meyers, Director of Trio Programs, during her tenure of employment. The claimant, on numerous occasions, had complained to Michelle Foster, Director of Human Resources, and Joan Williams, Vice President of Student Services. The claimant was unable to work well with Kathy Meyers and Kathy Meyers was unable to work well with the claimant due to personality conflicts.

The claimant had numerous personal problems, which were causing her to be absent from work on several occasions and interfered with her ability to perform the job duties that were available to her. The claimant objected to receiving e-mail messages from Kathy Meyers.

On one occasion, Joan Williams, Vice President of Student Services, held a conversation with Kathy Meyers and the claimant, Janet R. Deehring. There was a reasonable effort made by Joan Williams to alleviate the personality problems between the two parties. Subsequently, the claimant submitted a written resignation on January 9, 2004, which is shown by page 6 attached to the decision under consideration. Following the reprimand, which is shown by pages 9, 10, and 11, the claimant submitted a lengthy rebuttal to the reprimand, which is shown by pages 7 and 8 attached to the decision under consideration.

Work was available to the claimant had she chosen to remain in her employment and perform the job duties that were available to her.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(21), (22), (27) provides:

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

(27) The claimant left rather than perform the assigned work as instructed.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The claimant contended, in effect, that she was required to perform her job duties under intolerable and/or detrimental working conditions. The claimant failed to establish such working conditions. The claimant, however, was dissatisfied with the work environment and left because of a personality conflict with her supervisor. Work was available to the claimant had she chosen to remain in her employment and report for work as scheduled. The claimant left rather than perform the assigned work as instructed.

The claimant indicated that she left because of illness but did not obtain the advice of a licensed and practicing physician prior to leaving her employment.

The claimant's last day of work on the job was January 23, 2004.

The administrative law judge concludes that Janet R. Deehring voluntarily left her employment with Southeastern Community College on January 23, 2004 without good cause attributable to the employer, within the intent and meaning of Iowa Code Section 96.5-1 and the foregoing sections of the Iowa Administrative Code.

DECISION:

The unemployment insurance decision dated February 23, 2004, reference 1, is affirmed. Janet R. Deehring voluntarily left her employment with Southeastern Community College on January 23, 2004 without good cause attributable to the employer and benefits are denied until such time as she has requalified under the provisions of the Iowa Employment Security Law.

b/b