

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEREE L HARPER
Claimant

APPEAL NO: 12A-UI-13782-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AXMEAR FABRICATING SERVICES INC
Employer

**OC: 10/28/12
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Sheree L. Harper (claimant) appealed a representative's November 14, 2012 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Axmear Fabricating Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 18, 2012. The claimant participated in the hearing. Alan Axmear appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer in about February 2001. She worked full time as a secretary in the employer's custom metal fabricating business on a schedule of between 7:00 a.m. to 7:30 a.m. until between 4:00 p.m. and 5:00 p.m. Her last day of work was October 18, 2012.

The employer's policies required that if the claimant was going to leave at or before 4:00 p.m. she was supposed to check with either Axmear, the business' president, or "Jeff," the first shift shop foreman. On October 17 the claimant had left at or before 4:00 p.m., but rather than checking with Axmear or Jeff, she only informed "Bill," the second shift shop foreman, that she was leaving. On the morning of October 18 Axmear came into the claimant's office and reprimanded her for leaving without checking with him or Jeff. The claimant felt humiliated by this reprimand; she believed that others outside could hear what was happening. As a result, later that day the claimant decided to quit and left, telling Jeff, "I'm outta here."

The claimant asserted that there were other issues which had contributed to her decision to quit, but it is clear that the impetus for her decision to quit was the reprimand on October 18. She had not previously advised the employer that she felt there were issues that were causing her to consider quitting if the issues were not addressed.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. 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 or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(22), (6). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's November 14, 2012 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of October 18, 2012, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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