

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LACEY J SMITH**  
Claimant

**1966**  
Employer

**APPEAL 15A-UI-11882-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/27/15**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Lacey Smith (claimant) filed an appeal from the October 13, 2015, (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment without good cause attributable to 1966 (employer). The parties were properly notified about the hearing. A telephone hearing was held on November 10, 2015. The claimant participated on her own behalf. The employer participated through Board of Directors member Shelle Harvey. Claimant's Exhibits A through C were received.

**ISSUE:**

Did the claimant voluntarily quit the 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 part-time as an Assistant Manager beginning on May 12, 2001, and was separated from employment on September 25, 2015, when she quit. On September 22, 2015, Board of Directors member Shelle Harvey announced that April, an employee who had worked for the employer for a month, was being promoted to manager effective September 29, 2015.

On September 25, 2015, the claimant offered April management training which April declined. April later instructed the claimant that she needed to give care to the animals prior to going into the isolation area. The claimant had given April a similar directive two weeks prior. The claimant felt if April did not want her training or assistance then she was not wanted and left in the middle of her shift. She did not return to complete the second part of her split shift that day or on any other day.

On September 27, 2015, the claimant spoke with another board member and told her that the job was too stressful. The claimant had been performing the jobs of kennel worker, assistant manager, and manager for two months before April was named Manager.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21), (22) and (4) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

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

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

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

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The claimant's decision to leave her employment without notice or reason, and the failure to return to work renders the separation job abandonment without good cause attributable to the employer. The claimant's argument that she left her job as it was stressful, or detrimental, performing the jobs of three people is not persuasive. The claimant worked in the position for two months and, at the time she left, another person had been hired to alleviate some of the stress. In the alternative, had the claimant not abandoned her job, she left because she did not like the work environment and had personality conflicts with her supervisor. While the claimant's decision to leave the employment may have been based upon her own personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The October 13, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

---

Stephanie R. Callahan  
Administrative Law Judge

---

Decision Dated and Mailed

src/pjs