

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBORAH A DRAKE**  
Claimant

**APPEAL NO. 12A-UI-04994-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**VOLT MANAGEMENT CORP**  
Employer

**OC: 04/08/12**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Deborah Drake filed a timely appeal from the April 26, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on May 22, 2012. Ms. Drake participated. Julie Lambirth, Employee Relations Coordinator, represented the employer.

**ISSUE:**

Whether Ms. Drake's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a staffing agency. Deborah Drake began her employment with Volt Management in December 2011 and was placed in a long-term, full-time temporary assignment at John Deere Intelligent Solutions Group in Urbandale on December 12, 2011. Ms. Drake was to work as a bilingual customer service representative and was to provide customer support to French farmers who purchased software through John Deere. Ms. Drake's work hours were 8:00 a.m. to 4:30 p.m., Monday through Friday. Ms. Drake's supervisor in the assignment was John Deere Supervisor Steven Joft. Julie Johnson was the Onsite Representative for John Deere, but covered multiple John Deere facilities including the Urbandale facility where Ms. Drake worked. Ms. Johnson separated from Volt Management during Ms. Drake's assignment at John Deere. Volt Management maintained a branch office in Urbandale, not far from the John Deere facility.

Ms. Drake voluntarily quit the assignment on April 6, 2012, due to dissatisfaction with the work and the work environment. Two weeks before her effective quit date, Ms. Drake told John Deere General Manager Greg Osbergers that she had come to realize that the assignment at John Deere was not the best position for her and that she felt it best to leave before the busy season. Ms. Drake left primarily due to the stress she was experiencing and the difficulty she experienced in grasping the necessary training.

At that start of the employment, Ms. Drake had been advised that she would be in training for three or four years, that she then would be switched to a 1:00 a.m. shift and would start working

on John Deere's French line, which was to be opened within four or five months of the start of her employment. In January, Ms. Drake learned that John Deere was moving up the opening of its French line. John Deere provided Ms. Drake in training in multiple areas at a pace that Ms. Drake found stressful and overwhelming. The pace then slowed dramatically for five weeks, at which time, John Deere wanted Ms. Drake to begin taking calls on the French line. Ms. Drake felt that she did not have a sufficient grasp of the training she had received and that she was out of practice after the lapse between the training and the start of taking calls. Nonetheless, Ms. Drake continued in the assignment a while longer.

In February, a coworker offered unsolicited criticism of Ms. Drake's handling of calls. The conduct ceased after Ms. Drake told the coworker that his comments were unwanted and after Ms. Drake reported the conduct.

Ms. Drake's decision to leave was based in part on her belief that the work environment was unprofessional. During her training, Ms. Drake thought that one of the trainers made culturally insensitive remarks directed at one or more other employees. Ms. Drake was uncomfortable with some horseplay that occurred in the workplace.

#### **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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

On the other hand, quits due to dissatisfaction with the work environment are presumed to be without good cause attributable to the employer. See 871 IAC 24.25(21). When an employee leaves because she feels she is not performing to the employer's satisfaction, but has not been asked to leave, the employer is presumed to have quit without good cause attributable to the employer. See 871 IAC 24.25(33).

The evidence in the record fails to establish intolerable or detrimental working conditions that would have prompted a reasonable person to leave the employment. Every new employment position involves a learning curve. Given the nature of the position Ms. Drake had accepted, one would expect—going in—that the learning curve would be significant, but that things would

even out over time. The sharp learning curve did not establish intolerable or detrimental working conditions. The weight of the evidence indicates it was the requirements of the position, not the horseplay or cultural insensitivity that prompted Ms. Drake's departure from the assignment. The evidence indicates that Ms. Drake had been able to curtail the coworker's critical comments and that employer, or John Deere, had supported her in that. The evidence indicates that the horseplay and cultural insensitivity may well have existed, but these did not rise to the level of intolerable and/or detrimental working conditions that would prompt a reasonable person to leave the assignment. In the end, Ms. Drake's reason for leaving was just as she had stated it to Mr. Osbergers, that she did not think it was a good fit for her and that she wanted to leave before the busy season. In short, the quit was due to dissatisfaction with the work and the work environment.

Ms. Drake voluntarily quit the employment without good cause attributable to the employer. Accordingly, Ms. Drake is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Drake.

**DECISION:**

The Agency representative's April 26, 2012, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/pjs