

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

AILEEN E KOCH
Claimant

BUSSE INVESTMENTS INC
Employer

APPEAL 15A-UI-14167-DGT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/29/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 16, 2015, (reference 01) that held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 15, 2016. Claimant participated. Employer participated by and through Jaki K. Samuelson, Attorney at Law. Employer's Exhibits 1 through 4 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 30, 2015. Claimant gave a verbal resignation to employer on November 30, 2015. Her resignation became effective immediately.

Claimant felt a lot of stress and conflict at work. On or about October 19, 2015 claimant was told that her prior boss Jeff Busse would no longer be President of the company. Claimant had worked there for approximately 27 years, and she was very familiar and comfortable with the way Mr. Busse ran the business.

During this period of time the new President of the company, Lori Ann Busse, announced to the employees that she would now be in charge, and that Jeff would no longer be with the office. Claimant was confused and afraid of the new changes that came to the office at that time, and she felt that the new President of the company was not always consistent with the information she provided to employees.

Historically employees would receive a bonus in November or December of each year, and there was fear that those bonuses would not be paid out under new management. Traditionally, claimant was the person who would help determine those bonuses based off the business that had been conducted during the prior year. Ms. Busse as the new manager wanted to oversee

the bonuses, and requested the financial information used to calculate those bonuses from claimant. Also, during this time Ms. Busse announced that a property management company would be hired to assist the business in monitoring assets.

Claimant was upset and confused with these changes. After 27 years with the company she felt as if she should have been trusted with those decisions as the office manager. Claimant's pay, and title remained the same, but the changes in the way the business was being ran were unacceptable to claimant. As a result claimant decided it was necessary for her to resign from her employment at that time.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she felt stressed out and unhealthy at work.

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(6), (21), (22) and (27) 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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

(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.

Iowa Admin. Code r. 871-24.26(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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

Individuals who leave their employment due to disparate treatment are considered to have left work due to intolerable or detrimental working conditions and their leaving is deemed to be for good cause attributable to the employer. The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Dep't of Job Serv.*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Emp't Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer. Benefits must be denied.

DECISION:

The decision of the representative dated December 16, 2015, (reference 01) is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/pjs