

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALICIA C WESTERCAMP
Claimant

APPEAL NO. 11A-UI-08262-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HAIRY'S LTD
Employer

**OC: 05/22/11
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Alicia Westercamp, filed an appeal from a decision dated June 20, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on July 27, 2011. The claimant participated on her own behalf and with Jessie Shipley and Molly Molstead. The employer, Hairy's, participated by Co-Owners Cathy Stowe and Doneita Williams, Stylists Lindsey Eggers and Amber Johnson, and was represented by Jim Waters.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Alicia Westercamp was employed by Hairy's from January 26, 2010 until May 23, 2011 as a full-time stylist. The owners, Cathy Stowe and Doneita Williams, had received a complaint from a new stylist, Amber Johnson, on May 21, 2011. The claimant had been making negative comments about the salon. On May 23, 2011, the owners met with Ms. Westercamp to counsel her about this. She was asked to stop making negative comments about the business and became very agitated and upset. The claimant walked outside the salon and began speaking on her cell phone. When she came back in she announced she was quitting.

Ms. Westercamp asserted the employer had violated her doctor's restrictions imposed in March or April of 2010 that she was to work part-time. The employer had asked her for an updated doctor's statement because it was thought the original one had "expired." Ms. Westercamp knew the employer thought the restrictions were no longer valid but did nothing to provide updated information from her doctor.

The claimant had felt "harassed" when the employer questioned her about negative comments regarding Hairy's that appeared on Craigslist. The claimant denied being responsible for the posting or knowing who was. Ms. Stowe mentioned she was going to go to the police and have it investigated, but nothing further was said about the posting until May 23, 2011, when she was

asked again if she knew who did the posting and she denied. It. The posting was done by the husband of another stylist.

Ms. Westercamp also felt "harassed" because she felt the employer was not giving her the fair share of clients. At no time did she mention these concerns to the owners prior to quitting.

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), (24), and (28) provide:

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.

(24) The claimant left employment to accept retirement when such claimant could have continued working.

(28) The claimant left after being reprimanded.

The precipitating event to the resignation was the counseling the employer gave to the claimant about the complaint from a co-worker regarding negative comments Ms. Westercamp had made. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer.

Her other concerns were not adequately addressed by the claimant prior to quitting. In order for good cause attributable to the employer to exist, a claimant must make some effort to give the employer an opportunity to work out whatever problem led to the grievance. By not giving notice to the employer of the circumstances causing the decision to quit employment, the claimant failed to give the employer an opportunity to make adjustments that would alleviate the need to quit. *Denby v. Board of Review*, 567 P.2d 626 (Utah 1977).

As far as her medical restrictions are concerned, the claimant knew the employer felt the old ones had "expired" but made no effort whatsoever to obtain more current ones to resolve the issue. She was never held accountable for the posting on Craigslist, only questioned about it.

Overall, the record establishes the claimant quit work because of the reprimand, a dislike of the work environment, and a personality conflict with the supervisors. These do not constitute good cause attributable to the employer for quitting and the claimant is disqualified.

DECISION:

The representative's decision of June 20, 2011, reference 01, is affirmed. Alicia Westercamp is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw