

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TANYA DONLAN**  
Claimant

**APPEAL NO: 07A-UI-09424-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**  
Employer

**OC: 12/03/06 R: 04**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Tanya Donlan (claimant) appealed an unemployment insurance decision dated September 26, 2007, reference 03, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Care Initiatives (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 30, 2007. The claimant participated in the hearing. The employer participated through Jens Lee, Administrator; Jonah Allen, Dietary Services Manager; Jill Beckman, Dietary Worker; and Lynn Corbeil, Employer Representative. 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:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time cook from April 19, 2007 through August 6, 2007 when she voluntarily quit. She contends that she quit due to a hostile work environment created by co-employee Jill Beckman. Ms. Beckman's mother, Jonah Allen, was the Dietary Services Manager so any complaints about Ms. Beckman would have to go through her mother. Although Ms. Beckman did not have any supervisory capacity over the claimant, she had helped train her. The claimant testified that Ms. Beckman would treat her badly to the point that she was nervous coming to work. Ms. Beckman would talk over the claimant, ignore her and criticize her work. The claimant spoke with Ms. Beckman's mother and the administrator about the problems but did not want either one to say anything to Ms. Beckman. The claimant ended up claiming in that meeting that she was probably overreacting due to not taking her medicine. She testified that she quit her employment on August 6, 2007 because Ms. Beckman ignored her again.

The claimant subsequently admitted that Ms. Beckman was not working on August 6, 2007 but that another co-employee was mistreating her. She acknowledged that she had purchased Ms. Beckman a birthday card and a toy for her dog. The claimant also admitted that she joked around with Ms. Beckman by taking her cell phone, retrieving the number and sending text messages and pictures to her. Ms. Beckman testified that the claimant asked her out for drinks and that she did not think they had a problem getting along.

#### **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1.

The claimant testified she quit due to a hostile work environment but the evidence does not support her testimony. She contends she was nervous going to work and was somewhat afraid of Ms. Beckman but then admitted she purchased presents for Ms. Beckman and joked around with her. The claimant said she quit on August 6, 2007 because Ms. Beckman ignored her that day but subsequently admitted Ms. Beckman was not even working on August 6, 2007. One issue of concern in this employment environment is the fact that a mother is a supervisor over a department in which her daughter works. It is an inherent conflict of interest and could easily be detrimental to the other employees in this department. However, it was not a significant problem in this case.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code section 96.6-2. She has not satisfied that burden and benefits are denied.

#### **DECISION:**

The unemployment insurance decision dated September 26, 2007, reference 03, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs