

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MACHELLE R CROFT
Claimant

APPEAL NO. 10A-UI-10957-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVENTURE LANDS OF AMERICA INC
Employer

**OC: 01/10/10
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Machelle Croft, filed an appeal from a decision dated August 2, 2010, reference 06. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 11, 2010. The claimant participated on her own behalf. The employer, Adventureland, participated by Assistant Manager Joe Fomaro.

ISSUE:

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

FINDINGS OF FACT:

Machelle Croft was employed by Adventureland from July 2, 2010 until July 11, 2010 as a part-time server. She gave a verbal resignation to Assistant Manager Joe Fomaro and Manager Matthew Krantz because she was unhappy with the work environment. She did not like the way the tables were assigned to the servers and felt other servers were “stealing” her tables. In addition she felt she was being sexually harassed by an assistant manager who offered her a promotion, although he did not request any favors from her in return.

Ms. Croft did not discuss these concerns with the managers prior to quitting. She simply told them of these concerns and tendered her resignation at the same time.

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(6), (21) and (22) 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:

- (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.

The claimant quit because she did not like the work environment, her supervisor or her co-workers. But she did not bring these complaints to the attention of manager prior to quitting or give them a reasonable opportunity to address her concerns. In order for good cause attributable to the employer to exist, a claimant with grievances 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 which would alleviate the need to quit. *Denby v. Board of Review*, 567 P.2d 626 (Utah 1977).

The record establishes the claimant did not have good cause attributable to the employer for quitting and she is disqualified.

DECISION:

The representative's decision of August 2, 2010, reference 06, is affirmed. Mabelle Croft 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/css