

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**WANDA M SIMPSON  
2740 BUENA VISTA  
DUBUQUE IA 52001**

**EAGLE WINDOW & DOOR INC  
PO BOX 1072  
DUBUQUE IA 52004**

**Appeal Number: 04A-UI-08448-BT  
OC: 07/11/04 R: 04  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Wanda Simpson (claimant) appealed an unemployment insurance decision dated July 30, 2004, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Eagle Window and Door, Inc. (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 August 25, 2004. The claimant and her son participated in the hearing. The employer participated through Amy Turner. Employer's Exhibit One and Claimant's Exhibit A were admitted into evidence.

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 team leader in the shipping department from May 24, 1991 through July 6, 2004. She stopped reporting for work after April 28, 2004, because she felt her co-workers were harassing her. The employer investigated but could not substantiate her complaints. The claimant sustained a non-work-related injury May 17, 2004, after a fall at home and was released to return to work July 3, 2004, but did not return to work because of the previous problems with co-workers.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits.

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.

The claimant voluntarily quit on July 3, 2004. She quit her employment because of problems with her co-workers that were not work-related. 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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3) and (4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2. While the evidence established the claimant believed her working conditions were intolerable, detrimental and unlawful, her subjective opinion is not sufficient. The issue is whether, under an objective standard, sufficient evidence existed to conclude that a reasonable person would have believed that the working conditions were intolerable. See O'Brien v. EAB, 494 NW2d 660 (Iowa 1983). The claimant's separation was without good cause attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated July 30, 2004, reference 01, 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.

sdb/kjf