

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

TERESA L TAYLOR  
2492 – 239<sup>TH</sup> ST  
NEW HAMPTON IA 50659-9035

SUPER 8—NEW HAMPTON INC  
PO BOX 249  
NEW HAMPTON IA 50659-0249

Appeal Number: 06A-UI-05299-JTT  
OC: 04/23/06 R: 03  
Claimant: Appellant (4R)

**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, 4th 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  
871 IAC 24.27 – Voluntary Quit of Part-time Employment

STATEMENT OF THE CASE:

Teresa Taylor filed a timely appeal from the May 15, 2006, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on June 7, 2006. Claimant participated. Manager Amy Neitzke represented the employer. The hearing on this matter was consolidated with the hearing in Appeal Number 06A-UI-05298-JTT.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Teresa Taylor was employed as a part-time housekeeper at the Southgate Inn and the Super 8 Motel in Hampton from June 26, 2005 until April 17, 2006, when she quit. The Southgate Inn and the Super 8 are owned and operated by the Neitzke family. Ms. Taylor worked from 8:30 a.m. to

1:00 or 2:00 p.m. on Tuesday through Thursday and sometimes on Fridays and averaged 15 hours per week. Ms. Taylor's sister also worked at the motels and was Ms. Taylor's means of transportation to the employment. In addition to her part-time employment at Neitzkes' motels, Ms. Taylor worked full-time at Soy Basics, 2:30-10:30 p.m., Monday through Friday. Manager Amy Neitzke allowed Ms. Taylor to leave work early as needed so that Ms. Taylor could pursue her full-time employment at Soy Basics. Ms. Taylor's early departure from work did not sit well with one or more coworkers.

At the beginning of March, Ms. Taylor left a note for Ms. Neitzke. In the note, Ms. Taylor indicated she could no longer tolerate the stress of two jobs and the interpersonal conflict between the housekeepers regarding her early departures. In response to the note, Ms. Neitzke spoke to Ms. Taylor and also spoke to the other housekeepers to affirm the employer's policy of flexible scheduling to accommodate employees who held second jobs. Thereafter, Ms. Taylor continued to work for the Neitzkes for at least another month without incident.

At the end of March, Ms. Taylor advised Ms. Neitzke that she would not be available to work during April and would decide thereafter whether she desired to continue in the employment at the motels. In response to Ms. Taylor's notice, Ms. Neitzke did not place Ms. Taylor on the April schedule. On April 17, the motels were especially busy and the employer asked Ms. Taylor to come in and work that day. Thereafter, Ms. Taylor did not return to the employment. Ms. Taylor's sister soon quit the employment and Ms. Taylor, therefore, no longer had transportation to the employment. Ms. Neitzke continued to have work available to Ms. Taylor.

Soy Basics subsequently laid Ms. Taylor off from her full-time employment. Ms. Taylor established a claim for benefits that was effective April 23, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Taylor voluntarily quit her employment at the Southgate Inn and Super 8 for good cause attributable to the employer. It does not.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

An individual who voluntarily quits part-time employment without good cause attributable to the employer and who has not re-qualified for benefits by earning ten times her weekly benefit amount in wages for insured employment, but who nonetheless has sufficient other wage

credits to be eligible for benefits, may receive reduced benefits based on the other base period wages. See 871 IAC 24.27.

The evidence in the record establishes that Ms. Taylor quit the employment for personal reasons and not for good cause attributable to the employer. Ms. Taylor may have experienced a personality conflict with one of her coworkers, but the circumstances did not rise to level intolerable or detrimental working conditions that would have prompted a reasonable person to quit the employment. See 871 IAC 24.25(6) and 871 IAC 24.26(4). In addition, the personality conflict appears to have been resolved by the employer well before Ms. Taylor's separation from the employment. Ms. Taylor quit the employment because she no longer wanted to work two jobs and because she lacked transportation to the employment once her sister had quit.

The evidence in the record establishes that the quit was without good cause attributable to the employer. Therefore, the quit was a disqualifying event. Accordingly, Ms. Taylor is disqualified for benefits based on wage credits she earned from this employer. Ms. Taylor is disqualified for full benefits until she has worked in and been paid wages equal to ten times her weekly benefits amount, provided she is otherwise eligible. The employer's account will not be charged. Since the employment was part-time, Ms. Taylor may still be eligible for reduced benefits based on wage credits she earned from other base period employers. This matter will be remanded so that Ms. Taylor's eligibility for reduced benefits may be determined.

#### DECISION:

The Agency representative's decision dated May 15, 2006, reference 02, is affirmed but modified as follows. The claimant voluntarily quit the part-time employment without good cause attributable to the employer. The quit was a disqualifying event and the claimant is disqualified for full benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged. The matter is remanded for determination of the claimant's eligibility for reduced benefits based on wage credits, if any, she earned from other base period employment.

jt/pjs