

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LILA A NOBLE
Claimant

APPEAL NO. 08A-UI-10797-S2

**ADMINISTRATIVE LAW JUDGE
DECISION**

ANIMAL EMERGENCY CLINIC
Employer

**OC: 10/19/08 R: 02
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Lila Noble (claimant) appealed a representative's November 7, 2008 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Animal Emergency Clinic (employer). After hearing notices were mailed to the parties' last-known addresses of record, a hearing was scheduled for December 8, 2008, in Des Moines, Iowa. The claimant participated personally. The employer participated by Eric DeTemmerman, Hospital Administrator.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

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 hired on November 17, 2003, as a full-time surgery technician. On July 8, 2008, the employer met with the claimant, issued her a good evaluation and increased her hourly wage from \$14.50 to \$16.00 per hour. The claimant did not think the increase was large enough. She told the employer she was quitting effective July 10, 2008. The employer paid the claimant through July 17, 2008. The claimant also quit because she did not like her work environment and had a personality conflict with her supervisor. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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(13), (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:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by the claimant's words and actions. The claimant told the employer she was resigning and did not appear after July 10, 2008.

When an employee quits work because she is dissatisfied with the work environment, has a personality conflict with her supervisor or is dissatisfied with her known wage, her leaving is without good cause attributable to the employer. The claimant left work because she was dissatisfied with her work environment because of a personality conflict with her former supervisor and she was dissatisfied with her wage increase. The claimant voluntarily quit work without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's November 7, 2008 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until

the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css