

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DORSEY J HERMAN
Claimant

APPEAL NO. 12A-UI-07952-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HEARTLAND EMPLOYMENT
SERVICES LLC**
Employer

OC: 06-03-12
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 26, 2012, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on July 25, 2012. The claimant did participate. The employer did participate through Adam Aswegen, human resources director, and Nathan Greiner, administrator, and was represented by Maxine Piper of TALX UC eXpress. Claimant's Exhibit A was entered and received into the record.

ISSUE:

Did the claimant voluntary quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a social services coordinator, full-time, beginning in April 2011 through June 1, 2012, when she voluntarily quit. The claimant alleges that she quit her employment because she was being harassed by the employer through Mr. Aswegen, Mr. Greiner, and Ms. Shutte the business manager. The claimant alleges that she was treated in a rude and condescending manner. The employer's evidence establishes that the claimant's medical restrictions were all honored by the employer. There is no medical evidence to establish that the claimant's panic attacks and depression were work-related. The employer was not disciplining the claimant and was trying to work with her to get the job tasks accomplished. An employer is allowed to critique or criticize an employee's job performance. The evidence establishes that the claimant was not nearly as organized as she needed to be and was missing work due to her lack of organization. Even when her treating physician wrote her a note indicating she could not complete the insurance paperwork any longer, the claimant still could not get her work or office organized. The business manager had specific requests of the claimant with regard to how she completed paperwork that would be used to bill for services. The claimant simply did not like the way that Ms. Shutte spoke to her. Ms. Shutte did not yell at her or use profanity when speaking to her, the claimant just believed Ms. Shutte to be condescending to her. The employer contends that the claimant grew paranoid and thought

they were trying to get her to quit. Mr. Greiner offered to meet with Ms. Shutte and the claimant, but the claimant would not agree to meet. The claimant just wanted the employer to see everything the way she saw it. Mr. Greiner and Mr. Aswegen were in most, if not all, of the meetings where the claimant thought she was mistreated. Neither Mr. Greiner nor Mr. Aswegen believed that the claimant was treated any differently than any other employee or that she was treated in such a manner as to create an intolerable work environment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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 (23) 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 § 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 § 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.

....

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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 simply thought that she was being treated in a rude or condescending manner. The Administrative Law Judge is not persuaded that the employer or any of the other employees created an intolerable work environment for the claimant. The claimant would not

meet with Ms. Shutte to iron out their differences; she merely wanted to complain to management and then wanted them to discipline Ms. Shutte. The employer accommodated every work restriction she brought in. The claimant's evidence simply does not establish the employer creating an intolerable work environment that gave the claimant good cause attributable to the employer for quitting. While claimant's decision to quit may have been based upon good personal reasons, it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The June 26, 2012 (reference 01) decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw