

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONI L ARENDS

Claimant

APPEAL NO: 14A-UI-11210-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SITE MAINTENANCE SOLUTIONS INC

Employer

OC: 10/05/14

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's October 23, 2014 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the November 18 hearing with her witness, Tony Nicolaus. Bradley Strouse, attorney at law, appeared on the employer's behalf. Kerry Nicolaus testified on the employer's behalf. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

In November 2013, the claimant started working for the employer as a full-time office manager. During her employment the partners, Tony and Kerry, started arguing more often about the business. The claimant noticed problems between the two started intensifying in early 2014. The claimant's desk was close to the partners' office and she overheard their arguments.

In late September 2014, the partners had a loud verbal disagreement at work. They were so upset with one another, employees were asked to leave. The claimant did not like working in a tense, hostile work environment. She was scared when the two partners had the loud verbal argument in late September.

On October 4, 2014, one partner, Tony, quit. Six other employees also quit. On October 6, Kerry Nicolaus informed the claimant and other employees that Tony and six other employees had resigned. The claimant did not believe everything Kerry said that day about the business's future. Since she had worked with both partners, she concluded that Kerry Nicolaus would retaliate against her. She incorrectly assumed N. was hired to replace her.

On October 6, the claimant told the employer's CFO she was quitting because the work environment was too tense and stressful, that she feared for her safety and was quitting because she believed Kerry Nicolaus would retaliate against her. The claimant quit effective immediately.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit this employment on October 6, 2014. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law also presumes a claimant quits without good cause when she leaves because of dissatisfaction with the work environment. 871 IAC 24(25)(21).

After the two partners argued and one partner quit the business, the claimant did not know what would happen. It was natural for her to feel apprehensive about the future of this business and her employment. Even though the partners argued, no one threatened the claimant. The work environment was stressful and the claimant assumed the remaining partner would replace her. This assumption is not supported by the facts.

The claimant established personal reasons for quitting, but she did not establish that she quit for reasons that qualify her to receive benefits. As of October 5, 2014, the claimant is not qualified to receive benefits.

DECISION:

The representative's October 23, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons, but her reasons for quitting do not qualify her to receive benefits. As of October 5, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs