

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ASHLIE A PALMER
Claimant

PETSMART INC
Employer

APPEAL 17A-UI-08936-DL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/06/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 28, 2017, (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on September 19, 2017. Claimant participated with former pet stylist Kim Martnek and her spouse Andrew Palmer. Employer participated through store manager Timothy Tietz. Employer's Exhibit 1 was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time pet stylist from 2005, through August 11, 2017. She put in her two-week notice on August 9 to be effective August 23, 2017. She had decided to quit because she was going to start her own business and did not give the employer any other reasons. (Employer's Exhibit 1) She did not know when mobile unit was going to be ready to use. She did not complete the two-week notice period because she was concerned after a coworker Sarah found out she was leaving and became upset, clenching her fists, screamed and had a wordless temper tantrum. Claimant had complained to the salon manager Michelle Hanson that Sarah was not speaking to her or made snide comments when she did. Claimant felt the work environment to be unprofessional and negative. She did not pursue her concerns above Hanson's position in the chain of command. Claimant saw a doctor about her ongoing anxiety but did not receive advice to quit the employment. On the day of the separation when she went to get her personal tools, she did notify Tietz why she was not going to work the remainder of the two-weeks' notice. She did not ask for accommodation to work different hours than Sarah. He reminded her that he had told her to see him if she had concerns. Claimant said she "just couldn't take it anymore." Claimant had previously spoken to him about having carpal tunnel syndrome surgery and made no complaints about Sarah. The chain of command is covered in the handbook. Claimant started her business on September 11, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Iowa Admin. Code r. 871-24.25 provides, in pertinent part:

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:

(6) The claimant left as a result of an inability to work with other employees.

(19) The claimant left to enter self-employment.

While the employer has the burden to establish the separation was a voluntary quitting of employment rather than a discharge, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

The claimant's decision to quit to start her own business and because she did not like how a coworker reacted to her notice of resignation was not for any good cause reason attributable to the employer.

DECISION:

The August 28, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs