

**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**

**ABDELRAHIM H GIRAGANDI
3329 AURORA AVE
DES MOINES IA 50310**

**KEOKUK AREA HOSPITAL
c/o TALX UCM SERVICES
PO BOX 283
ST LOUIS MO 63166-0283**

**Appeal Number: 05A-UI-11685-DT
OC: 07/17/05 R: 03
Claimant: Appellant (5)**

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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Abdelrahim H. Giragandi (claimant) appealed a representative's November 9, 2005 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Keokuk Area Hospital (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 5, 2005. The claimant participated in the hearing. Marlin Mangels appeared on the employer's behalf. One other witness, Louise Skow, was available on behalf of the employer but did not testify. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on February 17, 2005. He worked full time as a medical technologist trainee in the employer's hospital laboratory. His last day of work was October 21, 2005. He tendered his notice of resignation on October 10, 2005.

The claimant was in a training program that had been extended due to difficulties he encountered in mastering the procedures. As part of the training program, since approximately August 1, 2005 he worked on the second shift without the immediate supervision of the laboratory manager, Mr. Mangels. There were three other technologists on the shift to whom Mr. Mangels delegated the responsibility of furthering the claimant's training. The claimant complained to Mr. Mangels on September 19, 2005 that he was not getting along well with the other technologists on the shift; Mr. Mangels had a meeting with all of the technologists on September 20 in which he specified that the three senior technologists were to take a firm hand in pressing the claimant to make progress in his skill development. He told the claimant that if he felt any of the technologists were crossing the line in how they dealt with him, the claimant was to bring that concern to Mr. Mangels.

On October 10 the claimant told Mr. Mangels he was resigning because he continued to have difficulties getting along with the three technologists. He felt they were mean and disrespectful because they would frequently interrupt what he was doing to have him do or redo something else, and because he felt they were talking about him behind his back.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for 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 provides that, 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 claimant did express his intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of dissatisfaction with the work environment or inability to get along with other workers is not

good cause. 871 IAC 24.25(6), (21). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's November 9, 2005 decision (reference 01) is affirmed as modified with no effect on the parties. The claimant voluntarily left his employment without good cause attributable to the employer. As of October 21, 2005, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

ld/tjc