

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANE RYDER-PINEGAR

Claimant

MUSCO SPORTS LIGHTING LLC

Employer

APPEAL 21A-UI-07683-WG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/03/21

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 10, 2021 (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on May 10, 2021. The claimant, Jane Ryder-Pinegar, participated personally. The employer, Musco Sports Lighting, L.L.C., participated through its Human Resources Project Manager, Julie Sarver.

ISSUES:

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 full-time as a screen printer. She began working for this employer on September 14, 2009 and her employment ended on January 5, 2021, when she submitted a voluntary resignation letter that was accepted by the employer. Claimant concedes she submitted a resignation letter and quit her employment. The employer also agrees that the employment separation was the result of a quit by claimant. I find that the employment separation was the result of a voluntary quit.

Ms. Ryder-Pinegar testified to having some mental issues that affected her ability to continue working. She also testified that she believed her supervisor was picking on her and ready to move on with a different employee. Claimant also testified to losing her senior non-exempt status with the employer and the loss of her flex hours as partly reasons for her quit from employment. Ultimately, however, Ms. Ryder-Pinegar acknowledged that she simply could not work with her supervisor and her former husband, who also worked in the same building. Ms. Ryder-Pinegar acknowledged that the employer's human resources department was quite helpful in assisting her with short-term disability and FMLA leave issues. She liked her job and felt that she did a good job for the employer, but could not continue working with her new supervisor. Therefore, she submitted her resignation.

The employer testified through Ms. Sarver that claimant indicated she was resigning because she could not work in the same building as her former husband. The employer clarified that the

flex time was not supposed to be a weekly use item and was granted at the discretion of the supervisor. As far as the claimant's loss of senior non-exempt status, that was a privilege earned by employees after five years of service. However, senior, non-exempt status required satisfactory attendance and performance on the job. The company maintained a written policy on this issue that the claimant was aware of through orientation as well as at the time she earned this status. Her loss of this status was due to performance and attendance and not a change in the employment contract of hire. The employer also affirmatively established that there was continuing work available to Ms. Ryder-Pinegar had she not quit.

Ultimately, I find that Ms. Ryder-Pinegar had significant mental health issues that likely made dealing with her divorce, change in supervisor, and work duties extremely difficult. The employer's representatives may have made some errors in judgment by not granting claimant 24-hours notice for some meetings. However, the employer was working to accommodate Ms. Ryder-Pinegar's medical needs and continued to work with her and offer work. Ultimately, I find that Ms. Ryder-Pinegar may have had very good personal reasons to quit her employment, but I find that those reasons were not attributable to the employer. Realistically, she left employment because she could not work with her supervisor or around her former husband. Both principle reasons are personal in nature and not attributable to the employer. Claimant had an intention to quit her employment, carried out that intention through the submission of a resignation letter, and the employer accepted the voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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.

First it must be determined whether claimant quit or was discharged from employment. All parties concur this was a voluntary quit situation and I similarly found Ms. Ryder-Pinegar quit her employment. A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

Claimant determined she could no longer work with her supervisor. Claimant had an intention to quit and carried out that intention by signing a written resignation.

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).

In this case claimant voluntarily quit because she could not work with her supervisor or around her former husband.

Iowa Admin. Code r. 871-24.25(22) provides:

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:

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

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

Claimant's decision to quit her employment may have been for legitimate and good personal reasons. However, the claimant's voluntary quitting was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

DECISION:

The March 10, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits shall be withheld in regards to this employer until such time as claimant is deemed eligible.



William H. Grell
Administrative Law Judge

May 18, 2021
Decision Dated and Mailed

whg/ol