

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY M MYLES
Claimant

APPEAL NO: 18A-UI-06414-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA
Employer

OC: 05/20/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 5, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 26, 2018. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Claimant's Exhibit A was admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left her employment with 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 full-time legal process specialist II for Wells Fargo Bank from December 30, 2014 to April 12, 2018. She voluntarily left her employment because she felt the employer was harassing her during and after work hours.

On April 30, 2016, the employer issued the claimant a written warning and she was placed on probation for 30 days. As part of the probation arrangement, the employer was supposed to meet with the claimant once per week but did not do so. The claimant disagreed with the warning and believes when the employer realized it missed a date it began trying to tamper with her work by shredding her work documents. The claimant contacted the Securities and Exchange Commission, Office of Controller and the Consumer Financial Protection Bureau.

The claimant also maintains the employer harassed her outside of work by placing a high definition camera across the street from her house, which followed her movements. She believes her supervisor interfered with her hair appointments and stole evidence regarding her civil rights complaints with the City of Des Moines. She stated her file sat with that department for 14 months and then the employer took her evidence. The claimant argues the intake clerk for the City of Des Moines Civil Rights Commission was taking bribes to make her evidence

disappear. The claimant stated the employer hired two motorcyclists to follow her in Des Moines and scare her and she called the police the next day.

In October 2017, the claimant believes the employer started stealing her blood pressure medication and a Gospel CD off her desk and she called the Des Moines Police Department. She said the employer tampered with her work email to make it appear as if she did not do her work and also that it slowed her computer down so she could not perform her work efficiently. The claimant stated the employer encouraged a beauty school employee to stalk her. She also believed her supervisor was working with her next door neighbor and had her neighbor steal documents from her house. She had her locks changed but felt people were still entering her house with a tool. The claimant indicated the employer was wiretapping her home and cell phone and used a video recorder in her home to record her in the nude. She asserts the employer was buying off nearly everyone with whom she came into contact.

The claimant stated the employer hired someone to engage in a car accident with her, paid her potential husband not to take her to a movie, paid a man to have sex with her and film it, started a fire in the house across the street from her home in order to burn evidence, and has followed her to out of state funerals in Denver, Atlanta and Phoenix.

The claimant believed the employer was going to remove the written warning she disagreed with from her file but learned January 30, 2018, it was not going to do so. The claimant was distraught and was going to resign at that time but stated she had too many personal belongings on her desk to leave at that time. She was sure her supervisor was affiliated with the camera across the street from her house. She asked for a transfer to California but her request was denied because of the pending civil rights complaint. The claimant resigned her position with the employer April 12, 2018.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. 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 is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 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's intention to voluntarily leave

work was evidenced by the claimant's actions. The claimant turned in her badge and keys and notified the employer she was resigning her position.

The employer issued the claimant a written warning with which she disagreed April 30, 2016. The claimant believes that as a result of her objection to that warning, reports to regulatory commissions and subsequent complaints, the employer interfered with her work and conspired with city human rights commission employees, library employees, her neighbors, her hairdresser, motorists, motorcyclists and men she was involved with in order to harass her. However, she has not demonstrated persuasively that the employer initiated and participated in those activities.

Consequently, the administrative law judge must conclude the evidence presented by the claimant does not establish she left for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The June 5, 2018, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn