

BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319

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REBECCA J TE SLAA

Claimant,

and

OLDENKAMP INCORPORATED

Employer.

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HEARING NUMBER: 07B-UI-09395

EMPLOYMENT APPEAL BOARD  
DECISION

NOTICE

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-1**

DECISION

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

The employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member dissenting, reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

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Elizabeth L. Seiser

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John A. Peno

AMG/fnv

**DISSENTING OPINION OF MARY ANN SPICER:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. Ms. Te Slaa worked in a family operated business for the last four years as a part-time clerical worker and was familiar with the temperament of her parents' volatile relationship with her aunt and uncle. Ms. Te Slaa admits that she had two options: 1) to either choose the money; or 2) stay and be placed on a 90-day probationary period for interrupting a business meeting to explain what allegedly happened even though she was not a witness to the family in-fighting within the work environment. (Tr. 13, lines 25-34; Tr. 14, lines 7-8).

Under the Reasoning and Conclusions, the administrative law judge stated the claimant was not given a choice of whether to resign or stay. I would disagree with this assessment in that the claimant testified that she was provided with two options and that she chose to take the money (Tr. 14, lines 6-8) A reasonable person would conclude that the claimant's assertion that she worked under detrimental and intolerable working conditions was an afterthought for her own benefit, as evidenced by her other testimony that she was not afraid to be in the family business environment. Rather, she based her quit on speculations of what may happen in the future as it related to her uncle's temperament. (Tr. 16, lines 17-21) Ms. Te Slaa's claim of intolerable working conditions was not supported by sufficient evidence. See, Hy-Vee v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2005).

A reasonably prudent person would find that at no time was the claimant in danger of losing her job, but placed herself in a situation against the employer by defending her parents' side of the argument. At no time was the claimant directly involved in the family clash. The inducement inferred by the administrative law judge was brought on by the claimant due her wanting to explain her parents' side to other employees against the wishes of her employer even after being issued a direct order not to interrupt the discussion. The evidence as presented does not establish hostile working environment caused by the employer for which the claimant can attribute her reason for quitting. Instead, her decision to quit was entirely self-imposed. Thus, I would deny benefits.

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Mary

Ann

Spicer

AMG/fnv