BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

WHITNEY L WERTS

HEARING NUMBER: 15B-UI-02260

Claimant

.

and

EMPLOYMENT APPEAL BOARD DECISION

A-ONE WATER SPECIALISTS INC

Employer

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 DENIED

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. A majority of the Appeal Board, one member dissenting, finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

The Claimant, Whitney L. Werts worked for A-One Water Specialists, Inc. from January 8, 2015 through January 10, 2015 as a part-time customer service representative selling water softener systems. (3:03-3:42) She worked in close proximity to her manager, who was assigned to train her. The manager would bring her spouse to the work area during lunch, which the Claimant felt was unprofessional behavior.

After 7 hours of work, the Claimant decided to quit because she felt uncomfortable. When she spoke to the general manager, he became angry because she hadn't voiced her concerns to him before quitting.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) (2013) provides:

An individual shall be disqualified for benefits: *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(21) 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 section 96.5...

The claimant left because of dissatisfaction with the work environment.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code §96.6(2) (amended 1998).

The Claimant was a short-term employee who worked for only seven hours. In her short duration of employment, she experienced discomfort at what she considered was unprofessional behavior on the part of her manager. However, we find that the record lacks substantial evidence to support that the Claimant's 7-hour experience was a typical daily work environment such that it would be considered detrimental and intolerable working conditions. For this reason, we conclude that the Claimant failed to satisfy her burden of proving that her quit was attributable to the Employer.

DECISION:

The administrative law judge's decision dated March 15, 2015 is **REVERSED**. The Claimant voluntarily quit without good cause attributable to the Employer. Accordingly, the Claimant is denied benefits until such time she has worked in and was paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. See, Iowa Code section 96.5(1)"g".

Kim D. Schr	nett		

DISSENTING OPINION OF JAMES M. STROHMAN:

I respectfully dissent from the majority deci administrative law judge's decision in its entire	sion of the Employment Appeal Board; I would affirm the ety.
	James M. Strohman
	emanded for a new hearing. The Employment Appeal Board ions on the notice of hearing. Therefore, good cause has not emand request is DENIED .
	Kim D. Schmett
	Ashley R. Koopmans
AMG/fnv	James M. Strohman