

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELISSA D HAWKINS
Claimant

OPTIMAE LIFESERVICES INC
Employer

APPEAL 21A-UI-00686-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the November 20, 2020, (reference 03) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was conducted on February 10, 2021. Claimant participated personally. Julie Hawkins, wife of claimant, also testified. Barb Grauer represented the employer. Official notice of the administrative records was taken. Claimant Exhibit A and Employer Exhibit 1 were admitted.

ISSUE:

Did the claimant quit the employment with good cause to the employer?

FINDINGS OF FACT:

The claimant was employed full-time as a direct support professional from June 25, 2019 until September 22, 2020 when she quit the employment. Continuing work was available. Claimant last physically worked on the job on May 25, 2020 before taking an extended personal leave of absence.

Claimant was expected to return to work and had been transferred to the Cedar Valley Position from the Iowa County location effective September 21, 2020.

Prior to September 21, 2020, claimant requested a transfer due to ongoing conflict with her manager. Claimant and manager had been friends outside of work previously. Claimant learned her manager was talking about her to common friends outside of work, and had also called the claimant at home, waking her up and cursing at her. Employer had a meeting with human resources and agreed to the transfer. Claimant was required to interview with the Cedar Valley location as part of the transfer process. While interviewing, claimant became uncomfortable when learning that the interviewee had been provided information about claimant prior to the interview, and which claimant had not disclosed to the interviewer. Claimant was concerned about getting a fair chance at her new location and was uncomfortable by the fact the prior location had shared information about her. Claimant did not discuss these concerns with the interviewer, or escalate her concerns to the employer. Rather, she tendered her resignation before quitting, stating she was no longer comfortable working for the employer. Continuing work was available.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 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.

Iowa Admin. Code r. 871-24.25(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. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 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.

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "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. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Working with friends, family members or significant others can pose unique challenges in the workplace, where the lines of professional and personal relationships understandably can become blurred. Such is the case here, between the claimant and her manager, who were once social friends outside of work. Claimant reasonably requested to be transferred to another location, upon determining there was conflict between them. Upon being interviewed for the transferred location, claimant learned the interviewer had been provided information about her,

from her prior location, and that made her uncomfortable. Claimant did not notify anyone of her concerns or try to work at the new location. She instead quit after accepting the transfer.

While the claimant may have had good personal reasons to quit the employment, the evidence does not support she quit for good cause attributable to the employer, according to Iowa law. Accordingly, benefits are denied.

DECISION:

The November 20, 2020 (reference 03) initial decision is affirmed. The claimant quit the 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.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 22, 2021
Decision Dated and Mailed

jlb/scn

NOTE TO CLAIMANT:

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at:

www.iowaworkforcedevelopment.gov/pua-information

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>