

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CAROL M KURTZ**  
Claimant

**APPEAL NO. 07A-UI-05679-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STATE PARKS DISTRICT OF NORTHEAST  
IOWA**  
Employer

**OC: 01/07/07 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Carol Kurtz (claimant) appealed a representative's May 29, 2007 decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with State Parks District of Northeast Iowa (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 25, 2007. The claimant participated personally and through former co-worker, Krista Hapt. The employer participated by Jerry Reisinger, District Supervisor of State Parks of Northeast Iowa, and Patricia Schmitz, Museum Technician.

**ISSUE:**

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 26, 2007, as a part-time tour guide. The claimant worked from March through November of 2005 and 2006. She did not like the way her supervisor's manner of supervision. The claimant felt the supervisor was being hostile when the supervisor asked the claimant to perform work.

On May 4, 2007, the supervisor asked the claimant to wash windows even though it was misting. The claimant was doing the job and then started to get wet. She sought out the supervisor who was in an interior room of the museum fixing a sink. The supervisor asked the claimant if the windows were getting wet and the claimant told her they were not. The supervisor told the claimant she could put on a raincoat to finish the job.

Later in the day the supervisor made a comment about learning in life that you could not trust anyone. While watching a movie for work the claimant began chatting with a new employee about non-work-related things. The supervisor told the claimant that she should not sit around

and chat. The claimant became upset, felt the environment was hostile and quit work. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 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.

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. 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.

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). "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973).

The claimant's intention to voluntarily leave work was evidenced by her words and actions. She told the employer that she was leaving and quit work. When an employee quits work because she is dissatisfied with the work environment, her leaving is without good cause attributable to the employer. The claimant left work because she did not like her work environment. She was overly sensitive to the comments of her supervisor. Her leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's May 29, 2007 decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are denied.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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