

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

ALANA SCHWEIGER  
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SIOUX CITY IA 51104

US BANK NATIONAL ASSOCIATION  
C/o JON-JAY ASSOCIATES INC  
PO BOX 182523  
COLUMBUS OH 43218-2523

Appeal Number: 04A-UI-06469-ET  
OC 05-16-04 R 01  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 4, 2004, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 8, 2004. The claimant participated in the hearing. Sharon Schroeder, Human Resources Generalist, Julie Lake, Branch Manager and Barry Gates, Senior Vice-President/District Manager, participated in the hearing on behalf of 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 vault teller for US Bank from May 5, 2003 to May 11,

2004. The employer held a daily meeting and on May 11, 2003, Branch Manager Julie Lake told the employees not to discuss their personal lives with customers. The claimant felt Ms. Lake was directing the comments toward her, but Ms. Lake did not use the claimant's name or look at her while making the statement and testified she was speaking to all employees. The claimant also felt Ms. Lake constantly harassed her. The claimant became engaged to a branch manager at another location in March 2004. The company managers attended a convention in Hawaii. When they returned, Ms. Lake showed pictures of the claimant's fiancé dancing with hula dancers. The claimant was upset, but did not speak to Ms. Lake about that situation or any other situations wherein she believed Ms. Lake treated her unfairly or inappropriately and did not discuss the problem with human resources. The employer has a workplace harassment policy and provides information about that policy to employees during orientation. Employees are also told during orientation and other training sessions that if they need to talk about an issue Human Resources Generalist Sharon Schroeder is "only a phone call away." Following the daily meeting May 11, 2004, the claimant called Ms. Lake at home and left a message stating, "I quit. I threw my keys in the night depository." The claimant talked to Ms. Schroeder May 12, 2004, and told her she "couldn't take it anymore" so she quit. She referred to the meeting May 11, 2004, and said she believed Ms. Lake's comments were directed toward her and she did not think Ms. Lake was happy for her regarding her recent marriage and the news of her pregnancy and she did not want to work for her anymore.

#### 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 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.

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(21). 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 (amended 1998). While the claimant was upset about Ms. Lake's comments during the May 11, 2004, meeting, she indicated Ms. Lake did not mention her by name or even look at her while stating employees should not discuss their personal lives with customers. Additionally, although the claimant testified Ms. Lake constantly harassed her, she could not provide any examples except for the incident where Ms. Lake showed pictures of a manager's trip to Hawaii that included the claimant's husband. The administrative law judge cannot conclude that the situation as described by the claimant was harassing in nature. An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Inasmuch as the claimant did not give the employer an opportunity to resolve her complaints prior to leaving employment, and has not demonstrated the employer harassed her, the separation was without good cause attributable to the employer. Benefits are denied.

DECISION:

The June 4, 2004, 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.

je/kjf