

**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**

**JANET R HANRAHAN
846 N 23RD ST
FORT DODGE IA 50501**

**RICK P SALOCKER DPM
3 N 17TH ST
FORT DODGE IA 50501**

**Appeal Number: 05A-UI-08053-H2T
OC: 06-26-05 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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 27, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 23, 2005. The claimant did participate along with her witness Judy Onnen, and Lea Levis. The employer did participate through Rick P. Salokcer, DPM, and Mary Salocker, Office Manager. Claimant's Exhibit A was received. Employer's Exhibit One was received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as an office manager full time beginning May 1989, through June 15, 2005 when she quit. The claimant quit because she was unhappy with her work environment and with some of her coworkers, specifically Mary Salocker. The claimant asked Dr. Salocker if

she could begin working part time, as she wanted to partially retire. After considering her request, Dr. Salocker did give the claimant permission to begin working part time sometime in the future after her replacement could be trained. Dr. Salocker was concerned about letting the claimant work part time, because it would mean all three of his office helpers were part time employees and he was not sure if the office could run in an efficient orderly manner with only part time employees. Nevertheless, Dr. Salocker granted the claimant's request to work part time.

At hearing the claimant made it clear she had a personality conflict with Mary Salocker, who is Dr. Salocker's wife. Mrs. Salocker worked in the office approximately two to four hours per week. Mrs. Salocker did not intentionally try to engage in conflict with the claimant.

On June 15, the claimant left a written notice of resignation for Dr. Salocker on his desk along with her keys. The claimant admits that she was never told she was going to be discharged. The claimant quit because she was unhappy with some of her coworkers and dissatisfied with the work environment, even though she had been granted permission to work part time.

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.

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.

871 IAC 24.25(6) 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:

(6) The claimant left as a result of an inability to work with other employees.

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). 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).

By leaving a letter of resignation and her keys, the claimant clearly indicated her intent to terminate her employment. The claimant admitted that she was never told she was discharged. The claimant chose to quit her employment because she could not get along with Mrs. Salocker and because she was unhappy with the work environment. The claimant had not established good cause for leaving. Benefits are denied.

DECISION:

The July 27, 2005, 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.

tkh/kjw