

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA L MUTO
Claimant

WELLS FARGO BANK NA
Employer

APPEAL 19A-UI-08392-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 09/29/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the October 17, 2019 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on November 15, 2019, at 11:00 a.m. Claimant participated. Employer participated through John Soete, Hearing Representative. Lindsey Cosgriff was a witness for employer. No exhibits were admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time with Wells Fargo Bank from October 23, 2013 until her employment ended on October 3, 2019. (Claimant Testimony) Claimant's direct supervisor was Lindsey Cosgriff, Complaints Manager. (Cosgriff Testimony)

Claimant transferred to the Executive Complaints Management Office on July 29, 2019 where she began working as a Research Remediation Analyst I. (Cosgriff Testimony) In early September 2019, employer completed a job family review, which resulted in a change to claimant's job title from Research Remediation Analyst I to Escalated Complaint Specialist II; there was no change in claimant's day-to-day job duties or salary. (Cosgriff Testimony)

Claimant was absent from work beginning September 20, 2019 due to illness. (Cosgriff Testimony) Claimant notified employer of her illness and provided documentation. (Cosgriff Testimony) During claimant's absence she sent updates to her supervisor via telephone call and text message. (Cosgriff Testimony) Claimant's supervisor previously informed claimant of available leave options and directed claimant to contact human resources directly for more information. (Cosgriff Testimony)

On October 3, 2019, claimant sent a text message to employer stating she resigned effective immediately because she was frustrated with the change in her job title and disappointed that

her supervisor did not reach out to her when she was sick to help her get through it. (Claimant Testimony) Claimant did not provide an example of any specific action or inaction of her supervisor that led to her resignation. (Claimant Testimony) There was continuing work available for claimant is she had not quit. (Cosgriff Testimony) Claimant's job was not in jeopardy. (Cosgriff Testimony)

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Where a claim gives numerous reasons for leaving employment the agency is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining any of those reasons constitute good cause attributable to the employer. *Taylor v. Iowa Dep't of Job Serv.*, 362 N.W.2d 534 (Iowa 1985).

Iowa Admin. Code r. 871-24.25(21), (22) provide:

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.
- (22) The claimant left because of a personality conflict with the supervisor.

Iowa Admin Code r. 871-24.26(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

Claimant's written resignation is both evidence of her intention to sever the employment relationship and an overt act of carrying out her intention. Claimant voluntarily quit her employment. Claimant provided multiple reasons for quitting her job. The administrative law judge has considered all of them and finds that none of them constitute good cause attributable to the employer. There was no substantial change in the contract of hire. While claimant's job title changed, there was no change to her job duties or remuneration. Claimant was frustrated and disappointed with employer for changing her job title and with her supervisor's lack of attention or assistance during claimant's illness. Claimant was unable to articulate exactly what her supervisor did or did not do that caused her to resign. Claimant voluntarily quit her employment because she was dissatisfied with the work environment and her supervisor, which do not constitute good cause. Claimant has not met her burden of proving she voluntarily quit her employment for good cause attributable to employer. Benefits are denied.

DECISION:

The October 17, 2019 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Adrienne C. Williamson
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Decision Dated and Mailed

acw/scn