

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**DANA M WIESE**  
Claimant

**VICTORYSTORE COM**  
Employer

**APPEAL 21A-UI-23454-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/29/21**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quit from Employment

**STATEMENT OF THE CASE:**

On October 14, 2021, claimant Dana M. Wiese filed an appeal from the October 4, 2021 (reference 01) unemployment insurance decision that denied benefits based on a determination that claimant voluntarily quit her employment for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held at 8:00 a.m. on Monday, December 13, 2021. The claimant, Dana M. Wiese, participated. The employer, Victorystore.com, participated through Christine Gosney, Human Resources.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for Victorystore.com on January 2, 2018. She was employed as a full-time bookkeeper with the employer. Claimant's employment ended on August 26, 2021, when she quit effective immediately.

Claimant sent an email to the owners and multiple members of management to report that she was quitting for the benefit of her health. Claimant's medical providers never advised her that she needed to quit her employment. The employer was generally aware that claimant had health concerns, due to the amount of time that she was absent from work. Claimant never asked for an accommodation from the employer.

Claimant had expressed frustration to Gosney in the past regarding the way she was treated at work, listing oversight and feedback regarding supply chain delays among her concerns. As the bookkeeper, claimant's job responsibilities included dealing directly with the employer's suppliers and vendors of raw materials and supplies. These suppliers and vendors would tell claimant about delays on their end, and then claimant would fail to relay this information to the rest of the employer's team. Claimant's communication failures were causing significant frustration for management, and they voiced this frustration to her.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant separated from employment without good cause attributable to the employer. Benefits are withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25 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.

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

(28) The claimant left after being reprimanded.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

After assessing the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above, and using her own common sense and experience, the administrative law judge finds the employer's testimony more credible than the claimant's testimony. While the administrative law judge believes that claimant felt stressed out and scrutinized by management, Gosney's testimony credibly established that claimant was under scrutiny for a good-cause reason: she was failing to relay necessary communication regarding delays in the supply chain. Claimant did not describe any treatment that amounted to

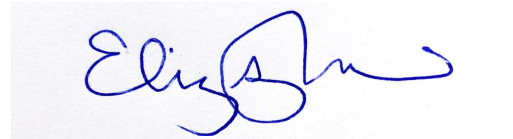
harassment, degradation, or intimidation by her employer. She was simply overwhelmed by her job and disliked the negative feedback she received from management.

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). Here, the average person in claimant's circumstances would not have felt similarly compelled to quit her employment.

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). Claimant emailed the employer and quit her employment effective immediately. Claimant had the option to continue working, but she elected not to do this. While claimant may have left for good personal reasons, there is not sufficient evidence in the record to support a finding that claimant quit with good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The October 4, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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.



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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

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January 19, 2022  
Decision Dated and Mailed

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