

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STACIE A LINGREN
Claimant

BOONE COMMUNITY SCHOOL DIST
Employer

APPEAL 21A-UI-06662-ML-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/03/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the February 25, 2021, (reference 01) unemployment insurance decision that denied benefits based upon her voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on April 27, 2021. The claimant, Stacie Lingren, participated personally. The employer participated through Principal Kris Byam and Director of Business Services Mitchell Lewis.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Was the claimant discharged for disqualifying job-related misconduct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a special education associate. She began working for this employer on August 14, 2014, and her employment ended on August 26, 2019. Her immediate supervisor was Kris Byam.

On the morning of August 26, 2019, claimant presented to work for her regularly scheduled shift. It was the first day of school and claimant had been assigned to work in a one-on-one role with a student. According to claimant, this particular student was known for having behavioral issues. The student ran away from claimant on two occasions, used profanity, and called her names. There is no evidence claimant entered the incident as an issue on the school's Infinite Campus software, or otherwise sought assistance with the student.

Claimant became emotionally distraught over the student's behavior and determined she could no longer work with said student. Claimant presented to the front office and told secretary Marge Bolleneau that she could not take it anymore and she was done working for Boone Community School District. Claimant then left the front office, only to return shortly thereafter to turn in her laptop computer and badge. Claimant declined to provide a written letter of

resignation at that time. Claimant did not make any attempts to speak with anyone other than Ms. Bolleneau. She did not ask for any accommodations before resigning.

While the August 26, 2019, incident was the “final straw,” claimant’s written statement provides she also quit because she was frustrated that her hours had been cut due to a new assignment/placement and she had lost her employment benefits. As previously stated, claimant was employed full-time as a special education associate; however, claimant lost her eligibility for full-time benefits as a result of missing too much work throughout the 2018-2019 academic year. Claimant was frustrated about the same, and felt it would be difficult for her to regain full-time benefits during the 2019-2020 academic year.

Job placements and assignments are based on student need, and are made at the discretion of the administration. The same is provided in the employee handbook.

There was continuing work available if claimant had not voluntarily quit her employment. Claimant was not going to be discharged or laid off for lack of work.

REASONING AND CONCLUSIONS OF LAW:

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

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.

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).

Given the facts of this case, claimant’s working conditions do not rise to the level where a reasonable person would feel compelled to quit. As such, she has failed to prove that under the same circumstances a reasonable person would feel compelled to resign. See *O’Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993). Rather, the circumstances in this case seem to align with the conclusion that claimant was dissatisfied with her work environment in general. This is not a good cause reason attributable to the employer for claimant to have quit.

Additionally, the claimant voluntarily quit because she did not like her job assignment/placement, and she was no longer receiving employment benefits. Claimant knew her assignments and hours could change based upon the needs of the students, and at the

discretion of the administration. The claimant's voluntary quitting was not for a good-cause reason attributable to the employer according to Iowa law.

Iowa Admin. Code r. 871-24.25(18) and (21) 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 § 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 § 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:


(18) The claimant left because of a dislike of the shift worked.

(21) The claimant left because of dissatisfaction with the work environment.

As such, the claimant's voluntary quitting was not for a good-cause reason attributable to the employer. Benefits must be denied.

DECISION:

The February 25, 2021, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits shall be withheld in regards to this employer until such time as claimant is deemed eligible.



Michael J. Lunn
Administrative Law Judge
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May 28, 2021
Decision Dated and Mailed

mjl/scn