

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

DONNA J HOLM
Claimant

APPEAL NO: 14A-UI-11794-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FRIENDSHIP HAVEN INC
Employer

OC: 10/19/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 5, 2014 (reference 01) determination that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit for reasons that do not qualify her to receive benefits. The claimant participated at the December 5 hearing with her witness, Sandy Bass. Janelle Cravens, Melissa Nanninga, and Colleen Engels appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in January 2001 as a full-time program assistant. The employer's policy does not allow harassment at work. If employees believe they are harassed, they are to report it to their supervisor or a designee.

During the claimant's employment, she and other employees felt their supervisor, A.D., harassed and bullied them. The claimant reported A.D.'s conduct to management. Management asked the claimant to talk to A.D. in an attempt to work out their differences. Issues with A.D. continued. Even though the claimant reported other issues to Nanninga, the human resource coordinator, the claimant did not report how A.D. treated the claimant and other coworkers.

On October 17, 2014 the claimant did not feel well and wanted to call in sick. Since she had the key to the building, the claimant felt obligated to go to work and unlock the facility. When A.D. got to work, she did not allow the claimant to leave and go home.

While the claimant was eating her lunch, a bell rang. Another employee answered the bell so the claimant could finish eating. A short time later, A.D. talked to the claimant about failing to answer the bell. A.D. told the claimant that when another employee answered the bell, she had to leave the group she was working with. The claimant felt A.D. badgered her over nothing. When the two went to A.D. office, the claimant was emotionally upset. The claimant still did not feel well and told A.D. she could not handle this anymore and was quitting. The claimant then walked out and did not return to work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant voluntarily quit her employment on October 17, when she walked out and did not return. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits without good cause when she leaves because of a personality conflict with a supervisor or after she receives a reprimand. 871 IAC 24.25(22), (28). The law also presumes a claimant quits with good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4).

The facts establish the claimant was a dedicated employee who performed her job to the best of ability and took pride in her work. The claimant was not the only person who felt A.D. harassed and bullied them. When the claimant did not get any resolution to her situation with A.D., she did not report her concerns to Nanninga. Without taking the additional step of informing the human resource department about issues with A.D., the employer was unable to possibly resolve the issues.

On October 17 the claimant did not feel well and may have been overly sensitive to A.D.'s questioning and reprimand. As a result of a combination of factors the claimant quit when she was emotionally upset and walked out. The facts indicate the claimant had personal reasons for quitting, but the evidence does not establish that she quit for reasons that qualify her to receive benefits. As of October 19, 2014 the claimant is not qualified to receive benefits.

DECISION:

The representative's November 5, 2014 (reference 01) determination is affirmed. The claimant voluntarily quit her employment for personal reasons, but her reasons do not qualify her to receive benefits. As of October 19, 2014 the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

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