

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

VIETTA SANCHEZ
Claimant

WILLIAMS & COMPANY CONSULTING INC
Employer

APPEAL 21A-UI-11988-JD-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/28/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On April 23, 2021, the claimant, Vietta Sanchez, filed an appeal from the April 20, 2021, (reference 02) unemployment insurance decision that denied benefits based on an Iowa Workforce Development representative's determination that the claimant voluntarily quit her employment. The parties were properly notified about the hearing. A telephone hearing was held on July 16, 2021. Claimant, Vietta Sanchez, participated personally. Employer participated through Patrick Eriksen. Employer's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUE:

Did the claimant quit the employment with 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 employer on December 30, 2019. Claimant last worked as a full-time underwriter. Claimant was separated from employment on February 26, 2021, when voluntarily quit her employment due to concerns she was being treated differently than other employees based on her race and national origin. The claimant had registered a complaint with the Iowa Civil Rights Commission and an investigation was initiated. The Iowa Civil Rights Commission issued a decision on May 18, 2021, that determined there was no probable cause to pursue any further investigation and administratively closed the case. (Employer's Exhibit A). Claimant's testimony centered on many of the issues investigated by the ICRC.

REASONING AND CONCLUSIONS OF LAW:

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.

Iowa Admin. Code r. 871-24.25 provides, in pertinent part:

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:

Iowa Admin Code r. 871- 24.25(21)

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

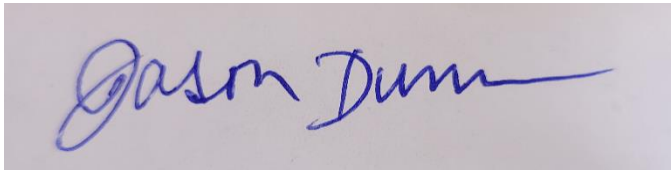
Iowa Admin Code r. 871-24.25(22)

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

The claimant was not happy with the way work flow was divided and expressed her unhappiness with her direct supervisor. She felt that she was given more work than other employees and that her supervisor was not sympathetic or appropriate during their interactions. The claimant also indicated that she reviewed specific work flow reports that she was not directed to or had been given the authority to review. The Iowa Civil Rights Commission (ICRC) Investigative Report investigated the claimant's concerns interviewing numerous employees and reviewing relevant collateral information. (Employer's Ex. 1). The relevant information from the ICRC report is that the claimant never informed her employer of her concerns regarding discrimination or that she felt overworked is instructive. (*Id. at 6*). Two months prior to her resignation the claimant had a satisfactory annual review and did not express any concerns during this evaluation. (*Id.*) The employer and the claimant discussed her continued growth and development with the company. (*Id.*). The claimant quit her position without informing her employer of her concerns thus foreclosing any potential that the claimant's issues might be resolved. The employer has the right to assign and direct work flow based on their determination of resources and business needs. There is no evidence that the claimant was discriminated against for any reason. A credible inference could be drawn from the evidence that the claimant's assigned work flow was due to her competence and abilities not due to any discriminatory intent from her employer. The claimant voluntarily quit her employment for her own reasons none of which were attributable to her employer. Benefits are denied.

DECISION:

The April 20, 2021, (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily left the 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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July 30, 2021
Decision Dated and Mailed

jd/lj