

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRIAN D WALKER**  
Claimant

**ORCHARD PLACE**  
Employer

**APPEAL 17A-UI-04372-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/02/17**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(21) – Quit Due to Dissatisfaction with Work Environment  
Iowa Admin. Code r. 871-24.25(22) – Quit Due to Personality Conflict with Supervisor  
Iowa Admin. Code r. 871-24.25(28) – Quit After Being Reprimanded  
Iowa Admin. Code r. 871-24.25(37) – Resignation

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 19, 2017 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily resigned and the employer accepted his resignation. The parties were properly notified of the hearing. A telephone hearing was held on May 12, 2017. The claimant, Brian D. Walker, participated. The employer, Orchard Place, participated through Marilyn Kline-Johnson, Director of Human Resources. Employer's Exhibits 1 and 2 were received and admitted into the record.

**ISSUE:**

Did claimant voluntarily quit the employment with 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, most recently as a Children's Mental Health Waiver Program Coordinator, from March 27, 2015, until April 3, 2017, when he quit. On April 3, 2017, claimant delivered his resignation via email in response to a meeting request that he received from Vice President Sonni Vierling, Supervisor Jacqueline Sauer, and a representative with Human Resources. At that point, claimant stated he would be finished effective April 7, 2017. (Exhibit 2) Claimant testified that he was concerned that this meeting would involve Sauer targeting him for not completing a training manual assignment. Claimant also testified that after he submitted his resignation, he considered withdrawing it and remaining employed. However, Sauer sent out a notice to the staff that claimant had resigned. At that point, claimant responded and told the staff that he would be leaving effective immediately. (Exhibit 2)

Claimant testified that he left his employment due to sexual harassment, inappropriate racial comments, and difficulty with his supervisor and with coworkers. Sometime in October 2016, one of claimant's coworkers asked him to attend a meeting for her. When he said he would not

attend this meeting, the coworker offered claimant oral sex in exchange for going to the meeting for her. Claimant testified that he reported this to Human Resources, though he does not know whether anything was done in response to the complaint. In January 2017, this same coworker made comments about how everyone at work needed to speak English. These comments were made in front of or near one or more bilingual employees. Kline-Johnson testified that the employer is aware of this, and it took swift remedial action in response.

Sauer regularly shared information about the employees that she supervised with other employees. According to claimant, Sauer told him about one employee's infertility issues, another employee's miscarriage, and a third employee's personal hygiene issues. Claimant also testified that Sauer did not handle personnel issues in a professional manner. On one occasion, she went to a coworker of claimant's and asked what was wrong with him. Claimant also had difficulty with a friend who he had gotten hired on with the employer. The two had a small altercation related to claimant not inviting her to lunch and her accusing him of making inappropriate comments about her. Claimant also testified that a group of his coworkers made fun of his weight and referred to him by an inappropriate nickname. Claimant was irritated that the employer never effectively addressed the work environment's overall lack of professionalism.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from employment was 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.
- (37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation.

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 delivered his resignation to the employer via email. 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, claimant testified about working in an environment rife with unprofessional supervision and adolescent coworkers. This was certainly not an ideal work environment for anyone. However, the average person in claimant’s situation, having no other employment lined up, would not have felt similarly compelled to quit. Claimant’s decision to separate from his employment was without good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The April 19, 2017 (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 he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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