

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANGELA J MULLIN**

Claimant

**APPEAL NO: 12A-UI-05232-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MYRON GREEN CORPORATION  
TREAT AMERICA FOOD SERVICE**  
Employer

**OC: 12/18/11**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Angela J. Mullin (claimant) appealed a representative's April 25, 2012 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Myron Green Corporation/Treat America Food Service (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 29, 2012. The claimant failed to respond to the hearing notice and provide a telephone number at which she could be reached for the hearing and did not participate in the hearing. Lisa Graham appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**OUTCOME:**

Affirmed. Benefits denied.

**FINDINGS OF FACT:**

The claimant started working for the employer on July 31, 2008. She worked full time as a food service worker at the employer's Burlington, Iowa business client. Her last day of work was April 2, 2012. She ceased reporting for work after that date. She did not communicate with the employer or provide any reason for leaving her position. Her supervisor knew that the claimant had previously had arguments with a coworker, but was unaware of any issues within the last few weeks of the claimant's employment. The claimant also did not report any problems to the employer's district manager who routinely visited the site, or to the employer's human resources office in Omaha. The claimant's job was not in jeopardy had she continued to report for work.

### REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The intent to quit can be inferred in certain circumstances. For example, ceasing to report and perform duties as assigned is considered to be a voluntary quit. 871 IAC 24.25(27). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a coworker is not good cause. 871 IAC 24.25(21), (6). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

### DECISION:

The representative's April 25, 2012 decision (reference 03) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of April 2, 2012, benefits are withheld until such time as the claimant 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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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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