

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ANETH ROMAN**  
Claimant

**THE UNIVERSITY OF IOWA**  
Employer

**APPEAL 20A-UI-15493-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/06/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On November 23, 2020, the claimant filed an appeal from the November 16, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 25, 2021. Claimant participated. Employer participated through human resource business analyst Jessica Wade.

**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 began working for employer in the procurement services department on January 15, 2020. Claimant last worked as a part-time supply chain associate. Claimant was separated from employment on July 26, 2020, when she resigned.

After a month or two working at the job, employer assigned claimant's co-worker, Cole, to take on some supervisory duties in anticipation of him applying for a promotion. Claimant felt Cole assigned claimant an unfair amount of the workload and micromanaged her. In March 2020, claimant complained to the human resource department. Cole was taken out of consideration for a promotion. In April 2020, another co-worker made a comment to claimant that the reason Cole was not promoted was because of her complaint. This surprised claimant because she was under the impression her complaint was confidential. Cole seemed to avoid claimant after that. Claimant did not report the co-worker's comment or the way Cole was avoiding her to the human resource department. Claimant also felt overworked. Claimant worked 20 hours per week. Claimant began missing work because she felt upset with the work environment, but she did not tell employer why she was missing work. Claimant tried to transfer back to her old department, but employer did not allow her to do so because her attendance was poor.

Claimant resigned on July 26, 2020.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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).

In this case, claimant did not establish the work environment would have been intolerable to a reasonable person in the same position. What claimant describes are pretty typical issues that arise in a work environment. To the extent claimant felt she was being retaliated against for complaining about Cole, she should have reported those feelings to the human resource department. The HR department did handle her initial complaint appropriately, and there is no indication they would not have responded appropriately to a second complaint.

While a claimant does not have to specifically indicate or announce an intention to quit if her concerns are not addressed by the employer, for a reason for a quit to be "attributable to the employer," a claimant faced with working conditions that she considers intolerable, unlawful or unsafe must normally take the reasonable step of notifying the employer about the unacceptable condition in order to give the employer reasonable opportunity to address his concerns. *Hy-Vee Inc. v. Employment Appeal Board*, 710 N.W.2d 1 (Iowa 2005); *Swanson v. Employment Appeal Board*, 554 N.W.2d 294 (Iowa 1996); *Cobb v. Employment Appeal Board*, 506 N.W.2d 445 (Iowa 1993). If the employer subsequently fails to take effective action to address or resolve the problem it then has made the cause for quitting "attributable to the employer."

Claimant failed to establish she resigned for a good cause reason attributable to employer.

## DECISION:

The November 16, 2020, (reference 01) 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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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

February 09, 2021  
Decision Dated and Mailed

cal/ol

***Note to Claimant:***

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.