

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MEGAN J GORDON**  
Claimant

**APPEAL NO: 11A-UI-12333-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KINSETH HOTEL CORPORATION**  
Employer

**OC: 08/14/11**  
**Claimant: Respondent (2/R)**

Iowa Code § 96.5(1)- Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's September 9, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. The claimant participated in the hearing. Todd Richardson, a representative with Employers Unity, represented the employer. Brad Wilson testified on the employer's behalf. John Snow and Melissa Carr were present and available to testify. During the hearing, Employer Exhibit One was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds 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 November 2000. She worked as a part-time bartender. During her employment, the claimant did not believe management did enough to make sure employees worked as a team to make a good work environment. The claimant was frustrated when the employer did not timely order supplies and did not discipline employees as she believed employees should be disciplined. The claimant did not believe other employees cared enough about the business to properly keep the work place clean. Even though the employer had a pest control business treat the business once a month, the employer had to increase the treatments to control the pests.

The claimant talked to management, Wilson, about some of the issues mentioned above. The employer understood the claimant wanted to spend more time with her children and was not shocked when the claimant gave the employer her two-week notice on July 28.

Just before the claimant submitted her resignation, a manager acted rude toward her during one of the claimant's shifts. The claimant and this manager talked about this incident and worked

out the issue. The claimant did not state in her resignation letter why she resigned. The claimant worked until the effective date of her resignation, August 11, 2011.

The claimant established a claim for benefit during the week of August 14, 2011.

**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). 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 for good cause when she leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law also presumes a claimant quits without good cause when she leaves because of dissatisfaction with the work environment. 871 IAC 24.25(21).

The reasons the claimant quit existed throughout her employment. It is understandable why the claimant was frustrated, but the claimant did not establish she quit because of intolerable working conditions. She was not satisfied with the work environment and became increasingly more frustrated at work. The claimant established personal reasons for quitting, but her reasons for quitting do not qualify her to receive benefits. As of August 14, 2011, the claimant is not qualified to receive benefits.

An issue of overpayment or whether she is eligible to receive a waiver of any overpayment for benefits she may have received since August 14, 2011, will be remanded to the Claims Section to determine.

**DECISION:**

The representative's September 9, 2011 determination (reference 01) is reversed. The claimant voluntarily quit her employment for personal reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 14, 2011. 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. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs