

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULI M KNIGHT
Claimant

SOLON STATE BANK
Employer

APPEAL 21A-UI-21701-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/29/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant, Juli M. Knight, filed an appeal from the September 28, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was scheduled for November 19, 2021 but postponed to allow claimant’s exhibits to be resent to the employer.

After proper notice, a telephone hearing. The claimant participated. The employer, Solon State Bank., participated through Neil Erusha. Steve Berner and Linda Sovers also participated. Employer Exhibits 1-2 and Claimant Exhibits A and B were admitted. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, 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 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: The claimant was employed full-time as an assistant branch manager/administrative assistant/head teller, and was separated from employment on August 30, 2021, when she quit the employment (Employer Exhibit 2). Continuing work was available.

Claimant worked for the employer for approximately seventeen years. Mr. Berner was claimant’s manager for the employment. In April 2021, claimant and Mr. Berner had a disagreement about prioritizing a task he wanted done versus other management. It resulted in Mr. Berner pointing his finger at the claimant and loudly scolding her (Berner testimony, Claimant Exhibit 1 and 2). Claimant was very upset by this incident.

Claimant had also learned that a newly hired employee was making more in wages than she was earning, and admitted to discussing wages with the employee and bank customers who were her friends.

Claimant confronted the employer about this wage discrepancy and demanded a raise. The employer tried to explain to the claimant that the benefits packages for herself and the other employee were different, which explained the offset of wages.

Tensions continued between the claimant and Mr. Berner. Claimant approached Mr. Berner in mid-July, stating she was still upset by issues, that she was losing sleep and he replied by suggesting she may want to see a therapist or psychiatrist.

Claimant took vacation around August 25 or 26, 2021 and upon return, told Mr. Berner she "would rather not return", because of him. She also drafted a written letter confirming her intent (Employer Exhibit 2), which the employer interpreted as a resignation letter, and separation ensued.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant quit the employment without good cause attributable to the employer according to Iowa law.

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.

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "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. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993).

Iowa Admin. Code r. 871-24.25(22) 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:

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

In this case, claimant and her manager, Mr. Berner, worked together for approximately seventeen years without major issue. Two incidents with him occurred in April and July 2021, which deeply upset the claimant, in addition to claimant learning a new hire was making more than she was after seventeen years of service to the employer. While the administrative law judge in no way condones Mr. Berner's flippant response to claimant's possible mental health concerns raised in July 2021, or considers his April 6, 2021 scolding to be professional, the administrative law judge also recognizes that these two incidents were isolated over an otherwise non-tumultuous long employment relationship between claimant and her manager. It cannot be ignored that claimant herself had contributed to the tensions mounting, by publicly discussing her dissatisfaction of wages with bank customers and employees. Based on the evidence presented, the administrative law judge is not persuaded the conversations, words used or conditions between the claimant and Mr. Berner were escalated to a point that would be deemed a detrimental or a hostile work environment, but rather due to personality conflict. While the claimant may have had personally compelling reasons to quit the employment, she has not established she quit for good cause attributable to the employer, according to Iowa law. Benefits are withheld.

DECISION:

The unemployment insurance decision dated September 28, 2021, (reference 01) is affirmed. The claimant voluntarily quit 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.



Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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January 5, 2022
Decision Dated and Mailed

jlb/mh

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.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>