

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JILL MEIER
Claimant

APPEAL NO: 17A-UI-01965-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCER HEALTH & BENEFITS ADMINIST
Employer

OC: 01/22/17
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 16, 2017, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 15, 2017. The claimant participated in the hearing. The employer sent a letter indicating it would not be participating in the hearing.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time benefits counselor for Mercer Health & Benefits Administration from August 17, 2014 to September 9, 2016. She voluntarily left her employment because she felt she was working in a hostile work environment.

On May 31, 2016, the claimant went to the human resources department and lodged a complaint stating her supervisor was harassing her. Human resources conducted an investigation and substantiated some of the claimant's complaints June 22, 2016. The claimant was given a new supervisor and was not required to have any further work-related contact with her previous supervisor, but was uncomfortable being in the same building as her former supervisor. The claimant had requested to go from full-time employment to seasonal employment and consequently did not work from June through the end of August 2016. She resigned September 9, 2016, because she was "uncomfortable" in the work environment. The claimant also planned to move away from the Des Moines area at the time she resigned, but did not have another job and did not end up moving.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant complained that her supervisor was harassing her and the employer investigated the claimant's complaint and responded by giving her a new supervisor. The claimant had no further work contact with her previous supervisor but was uncomfortable working in the same building as her former supervisor. The employer acted reasonably in investigating the claimant's complaint and providing her with a different supervisor. It is not reasonable for the claimant to expect she would never have to see her previous supervisor in the building again. Under these circumstances, the administrative law judge must conclude the claimant has not demonstrated that her leaving was for unlawful, intolerable, or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The February 16, 2017, reference 01, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/rvs