

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE N VANZANDT
Claimant

APPEAL NO: 19A-UI-06282-JE

**ADMINISTRATIVE LAW JUDGE
DECISION**

WILLKIE HOUSE INC
Employer

OC: 07/21/19
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 6, 2019, reference 01, decision that denied benefits. After due notice was issued, a hearing was held in Des Moines, Iowa, before Administrative Law Judge Julie Elder on August 30, 2019. The claimant participated in the hearing. John Douglas, Executive Director and Erica Parkey, Board Chairperson, participated in the hearing on behalf of the employer. Employer's Exhibits One through Four were admitted into evidence.

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 lead classroom instructor for Willkie House from April 1, 2019 to July 18, 2019. She voluntarily left her employment due to a dissatisfaction with the work environment.

The employer feeds children breakfast, lunch and a snack. Central Iowa Shelter and Services provides the breakfasts and lunches but the food does not always arrive on time or sometimes Central Iowa Shelter and Services has to go back and get more food for the children. The claimant felt there was not ever enough food for the children even though the employer, through Central Iowa Shelter and Services provided a protein, whole grain, one or two slices of bread, a vegetable, at least one cup of milk, and fruit (Employer's Exhibit Three). Central Iowa Shelter and Services is a homeless shelter and there was a high turnover rate. The claimant repeatedly complained about the food and sometimes the employer felt the food was "skimpy" but the employer did not control Central Iowa Shelter and Services or what food or the amount of food it brought. The employer did not have any complaints from parents about the food.

The claimant was also upset because there were not always enough supplies for projects for the children. United Way provided some of the supplies for projects and the employer bought the remainder of the supplies in bulk at the end of May 2019. Executive Director John Douglas

agrees he did not respond to the claimant's concern about supplies as quickly as he should have but when they ran low and the claimant complained the employer suggested she use the employer's Wal-Mart account but the claimant was not satisfied with that answer.

The claimant was unhappy because some of the children had behavioral issues and she felt Mr. Douglas was not at Willkie House enough, especially in the mornings. Mr. Douglas spent approximately 20 to 25 hours per week fundraising and as Executive Director had many other responsibilities besides spending time with the children. The claimant wanted the employer to implement a zero tolerance policy regarding behavioral issues with the children even though Willkie House was a last chance resort for many of the children attending.

The claimant and Mr. Douglas had a discussion about the food and supplies July 17, 2019, but the claimant felt it did not "go anywhere." On July 18, 2019, the claimant made up her mind if there was not enough food she was going to voluntarily quit. There was enough food to feed the children breakfast but before 10:00 a.m. she determined there would not be enough food for lunch even though the food for lunch was not due to be there until 11:00 a.m. for the 11:45 p.m. lunch period. She went to talk to Mr. Douglas but felt the conversation was going to "escalate" because he made "inaccurate accusations" against her so she turned in her keys and left at 10:00 a.m., voluntarily quitting her job.

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 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.

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 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Florida App. 1973). The employer has the right to allocate its personnel in accordance with its needs and available resources. *Brandl v. IDJS* (Unpublished, Iowa App. 1986). A cause for leaving that is not directly attributable to the employer, such as by an outside agency, will not allow an individual to leave employment and be eligible for job insurance benefits. *Deere Manufacturing Company v. IESC*, 90 N.W.2d 750 (Iowa 1958).

The claimant was frustrated about the amount of food Willkie House received from Central Iowa Shelter and Services, not having enough supplies for projects from the employer and United Way, behavioral issues among the children, and Mr. Douglas' absence from Willkie House, especially in the mornings. The employer could not control the amount or what food was provided by central Iowa Shelter and Services and consequently that was not a reason directly attributable to the employer for the claimant's leaving. While not having enough supplies for projects would be a concern, the claimant chose not to use the employer's Wal-Mart account to purchase more, and failed to alleviate some of the issues she had regarding supplies. A lack of supplies does not rise to the level of intolerable or detrimental working conditions. Behavioral issues were also a concern but the claimant knew or should have known the employer serves a disadvantaged population where behavioral issue would arise. The claimant had a personality conflict with Mr. Douglas and was very resentful of him as evidenced by her testimony and also her behavior in the hearing and her unnecessary and irrelevant character assassination of him before she walked out prior to the end of the hearing.

Under these circumstances, the administrative law judge must conclude the claimant has not demonstrated her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits are denied.

DECISION:

The August 6, 2019, 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/scn