

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LYNN K BOHLKE**  
Claimant

**TRINITY REGIONAL MEDICAL CENTER**  
Employer

**APPEAL 17A-UI-04942-NM-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/16/17**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(22) – Personality Conflict with Supervisor

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 5, 2017, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified of the hearing. A telephone hearing was held on June 9, 2017. The claimant participated and was represented by attorney Neven Mulholland. The employer participated through Director of Human Resources Ted Vaughn and Surgical Services Manager Linda Cheshire.

**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 was employed part time as a certified surgical technician from March 1976, until this employment ended on January 13, 2017, when she voluntarily quit.

On January 13, 2017, claimant spoke with Vaughn to tell him she was resigning effective immediately. Claimant was resigning because she felt like she was no longer wanted and did not feel supported in her department. In October 2016, while claimant was on leave, Cheshire was hired as her new supervisor. Claimant returned to work on November 25, 2016. On December 22, 2016, the schedule for the next week was posted. Claimant was scheduled to work the following day for the sole purpose of doing net learning modules. The net learning modules were to be completed by the end of the year and she did not yet have all of hers done. Claimant testified no one had been required to come in for this reason before and hospital policy generally dictated employees not come to work if there was not sufficient work.

Claimant had spoken to Cheshire that day and she had made a comment to her about improving her work balance, noting if she took less time off her work would have been done. Throughout this conversation claimant began to feel like Cheshire had preconceived notions about her and felt she was being talked down to. Claimant testified in the 30 years of her

employment, she had never been made to feel this way by a supervisor or member of management. This was one of the only times claimant spoke directly with Cheshire prior to resigning. Had claimant not resigned work would have continued to be available to her.

**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:

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 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.

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). 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).

Claimant resigned several months after she was given a new supervisor. Claimant did not appreciate the way Cheshire spoke to her and she began to feel like she was no longer wanted or appreciated. While it is understandable that claimant would not want to work in an environment where she no longer felt valued and appreciated, especially after working there for so long without incident and while her leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The May 5, 2017, (reference 01) unemployment insurance 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.

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Nicole Merrill  
Administrative Law Judge

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Decision Dated and Mailed

nm/rvs