

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**TAMARA I SCHAEFER**

Claimant,

and

**PROPERTY SOURCE**

Employer.

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**HEARING NUMBER: 11B-UI-15262**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**N O T I C E**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-1**

**D E C I S I O N**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

**FINDINGS OF FACT:**

Tamara Schaefer (Claimant) worked full-time as a property manager for Property Source (Employer) from March 25, 2010 until she quit on September 24, 2010. (Tran at p. 2-3; p. 7; p. 9). Her immediate supervisor was Denice Bray. (Tran at p. 2; p. 9). The accountant at the Employer is Sandy Harris. (Tran at p. 4; p. 14). From time to time Ms. Harris would go to the Claimant and ask her business-related questions about accounts. (Tran at p. 15). She would also remark that they needed payments in order to pay bills like payroll. (Tran at p. 15). The Claimant has not shown that these exchanges were anything but ordinary business interaction. (Tran at p. 15). She has not shown yelling or even that harsh words were used. (Tran at p. 12; p. 15-16; *see also* p. 17 [headaches not caused by work environment]). She has failed to prove that any stress related problems she suffered were due to the Employer or the employment.

## REASONING AND CONCLUSIONS OF LAW:

We are aware that the Employer's account would not be charged no matter how we decided this case. But other employers are on the hook for benefits. We thus address the Claimant's eligibility for benefits as we are required to do. Iowa Code §96.6(2).

A Legal Standards: This case involves a voluntary quit. Iowa Code Section 96.5(1) states:

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.

Under Iowa Administrative Code 871-24.26:

The following are reasons for a claimant leaving employment with good cause attributable to the employer:

...

- 24.26(4) The claimant left due to intolerable or detrimental working conditions.

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.* Where multiple reasons for the quit, which are attributable to the employment, are presented, the agency must "consider that all the reasons combined may constitute good cause for an employee to quit, if the reasons are attributable to the employer". *McCunn v. EAB*, 451 N.W.2d 510 (Iowa App. 1989)(citing *Taylor v. Iowa Department of Job Service*, 362 N.W.2d 534 (Iowa 1985)). "Good cause attributable to the employer" does not require fault, negligence, wrongdoing or bad faith by the employer. *Dehmel v. Employment Appeal Board*, 433 N.W.2d 700, 702 (Iowa 1988)("[G]ood cause attributable to the employer can exist even though the employer is free from all negligence or wrongdoing in connection therewith"); *Shontz v. Iowa Employment Sec. Commission*, 248 N.W.2d 88, 91 (Iowa 1976)(benefits payable even though employer "free from fault"); *Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787, 788 (Iowa 1956)("The good cause attributable to the employer need not be based upon a fault or wrong of such employer."). Good cause may be attributable to "the employment itself" rather than the employer personally and still satisfy the requirements of the Act. *E.g. Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787, 788 (Iowa 1956).

B. Proof Of Good Cause: The Claimant has the burden of proving that she had good cause for quitting. She reports mistreatment by the Employer that caused her stress and related illness. (Tran at p. 3-4). The findings of fact show how we have resolved the disputed factual issues in this case. We have carefully weighed the credibility of the witnesses and the reliability of the evidence. We have found credible the Employer testimony that the exchanges between the Claimant and Ms. Harris were not

anything other than

normal office interaction. The Claimant has failed to prove by a greater weight of the evidence that she was subjected to detrimental working conditions that qualified as good cause for quitting. *See Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330, 337 (Iowa 1988)(objective standard in misconduct cases); *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(reasonable person standard).

### **DECISION:**

The administrative law judge's decision dated December 21, 2010 is **REVERSED**. The Employment Appeal Board concludes that the claimant quit but not for good cause attributable to the employer. Accordingly, she is denied benefits until such time the Claimant has worked in and was paid wages for insured work equal to ten times the Claimant's weekly benefit amount, provided the Claimant is otherwise eligible. See, Iowa Code section 96.5(1)"g".

The Board remands this matter to the Iowa Workforce Development Center, Claims Section, for a calculation of the overpayment amount based on this decision.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser

RRR/fnv

A portion of the Employer's appeal to the Employment Appeal Board consisted of additional evidence which was not contained in the administrative file and which was not submitted to the

administrative law judge. While the appeal and additional evidence (personnel records) were reviewed, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser

RRA/fnv