

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY L LANE
Claimant

APPEAL NO. 10A-UI-06028-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CEDAR RAPIDS COMM SCHOOL DIST
Employer

OC: 03/21/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 12, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 7, 2010. Claimant participated. Employer participated by Matt Dunbar, Associate Director of Human Resources. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on February 22, 2010. Claimant had started working in dispatch. Claimant wanted transferred out of dispatch because of harassment by a male coworker in that department. Claimant was transferred to the purchasing because of the harassment complaint. Claimant quit after a month in purchasing when being told by a supervisor that she did not take a full 30-minute break. Claimant took 20 minutes but should have taken 30 minutes. The statement was not a formal reprimand. Claimant was upset over the public statement that she might need training on using the time clock. Claimant felt that the statement was retaliation for the prior complaint of harassment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she felt she was being retaliated against for having filed a complaint. The statement by the supervisor about taking a short break was a legitimate business discussion. There was no formal reprimand involved. There were no negative repercussions. The supervisor was doing what she was obligated to do when an employee did not take a sufficient break. Claimant was overly sensitive after dealing with the harassment in dispatch. The event in purchasing is not harassment. It is not an intolerable or detrimental work

environment. Claimant had an obligation to file a complaint in the same manner she did when dealing with harassment in dispatch if she suspected retaliation. Claimant, instead of following protocol, quit. This is a quit without good cause attributable to employer. Benefits withheld.

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.

871 IAC 24.25(21) and (28) provide:

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:

(21) The claimant left because of dissatisfaction with the work environment.

(28) The claimant left after being reprimanded.

DECISION:

The decision of the representative dated April 12, 2010, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css