

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERRI L NEFF
Claimant

APPEAL NO. 08A-UI-09105-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIRST HOSPITALITY GROUP LLC
Employer

OC: 08/31/08 R: 02
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Terri L. Neff (claimant) appealed a representative's October 1, 2008 decision (reference 06) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from First Hospitality Group, L.L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 23, 2008. The claimant participated in the hearing. Judy Johnson appeared on the employer's behalf and presented testimony from one other witness, Steve Gulhar. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on April 16, 2008. She worked full time as a general manager trainee at one of the employer's Newton, Iowa hotels. Her last day of work was August 19, 2008. She verbally informed the employer's co-owner on that date she was quitting, asserting that she was too stressed out. The co-owner attempted to persuade the claimant not to quit but to take some time off and then to further discuss the matter. The claimant agreed to take some time off, but indicated that while she would consider further discussion as to returning to some other position, she would not consider returning to the general manager position. While there were some attempts to meet with the employer after August 19, the claimant ultimately abandoned her attempts to discuss any return to the employer in any capacity.

The claimant asserted that her work as general manager had caused her stress so as to necessitate hospitalization for several days after August 19. However, she did not present any documentation that that there was a medical opinion that her work had caused the need for her hospitalization or a need for her to leave her position. The claimant found the position to be too stressful due to problems interacting with a night auditor with whom she did not get along, as well as feeling she could not hire additional employees and as a result was working a great

number of hours. However, she had not advised the employer how many hours she was working and had not inquired as to whether she could hire on some additional employees to fill some voids.

Further, the claimant felt she was being put under too much pressure to attempt to collect on an unpaid bill left by some cash-paying guests. Finally, the claimant felt pressured by the employer due to a situation in which she had erroneously cancelled a block of rooms for a wedding in June; the employer was pressing the claimant to write a letter of apology to the affected guests and to provide them with gift cards. The claimant had been delaying in sending the letters and gift cards; she asserted that the employer was not current on its franchise fees so she had not been able to get the gift cards. However, she had not advised the employer that this was the problem that was preventing her from closing out resolution of that matter. The employer had not considered the claimant's job to be in jeopardy prior to her leaving on August 19.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1.

Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993); Wills v. Employment Appeal Board, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a coworker is not good cause. 871 IAC 24.25(6), (21). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). Leaving because of a concern that the claimant's job performance was not to the employer's satisfaction, where the employer had not indicated a dissatisfaction or intent to discharge the claimant due to that performance, is not good cause for quitting. 871 IAC 24.25(33). While the claimant's work situation was perhaps not ideal, she has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied her burden. Benefits are denied.

DECISION:

The representative's October 1, 2008 decision (reference 06) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of August 19, 2008, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw