

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY LOUISE SPEER

Claimant

APPEAL NO: 12A-UI-08374-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

APAC CUSTOMER SERVICES OF IOWA

Employer

OC: 06-17-12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 5, 2012, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 7, 2012. The claimant participated in the hearing. Turkessa Hill, Human Resources Generalist, participated in the hearing on behalf of the employer.

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 customer service representative for APAC Customer Services from November 15, 2010 to May 29, 2012. The claimant was working part-time hours at the time of the separation from employment because she was on Family and Medical Leave (FML). The claimant was working on a program where customers called in to order their medication to be sent by mail. The program caused her a great deal of stress because she often became personally involved with the customers' situations, especially when she was required to tell them she could not process their refills because they had a balance remaining on their account. She was also upset because there were frequent changes in team leads, she had to change desks often and the equipment did not always work correctly. The claimant already suffered from anxiety and depression and the job worsened those conditions although her doctor did not advise her to quit her job. She asked for transfers to different programs but her requests were not granted. The claimant had two breakdowns at work after calls from customers and the end of April 2012 and again at the beginning of May 2012. She felt she was ineffective at work and did not have the energy for her scheduled 10-hour days. She had not received any verbal or written warnings and the employer was satisfied with her job performance but the claimant did not feel she could "pull her weight" so she decided to move to Washington in early May 2012 and submitted her resignation notice May 18, 2012, effective May 29, 2012.

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:

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(33) 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:

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

871 IAC 24.25(2) 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:

(2) The claimant moved to a different locality.

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. "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 claimant was sympathetic to the customers and became personally involved in their

medication situations. That specific program deepened her depression and anxiety but was not the cause of those conditions as they existed prior to her employment with this employer and her physician did not advise that she quit her job. The claimant determined she could no longer be effective in her job because of her medical issues even though the employer was satisfied with her work and had not issued any warnings to the claimant about her performance. After deciding she could not perform the job satisfactorily the claimant decided to move to Washington and submitted her resignation notice. Under these circumstances, the administrative law judge must conclude the claimant has not established that her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The July 5, 2012, 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/pjs