

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEANNE M BARTELS
Claimant

APPEAL NO. 07A-UI-08932-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLIANT ENERGY CORPORATE SVCS INC
Employer

**OC: 08/19/07 R: 03
Claimant: Appellant (1)**

Section 96.5-1-d – Voluntary Leaving/Illness or Injury

STATEMENT OF THE CASE:

Jeanne M. Bartels (claimant) appealed a representative's September 18, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Alliant Energy Corporate Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 12, 2007. The claimant participated in the hearing. Deborah Neyens, Attorney at Law, appeared on the employer's behalf and presented testimony from two other witnesses, Tami Keune and Jennifer Degenhardt. During the hearing, Employer's Exhibits One and Two were entered into evidence. 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 without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on March 3, 2003. She worked full time as a content and records analyst in the employer's Cedar Rapids, Iowa, business office. Her last day of work was August 21, 2007; she voluntarily quit on that date. Her stated reason for quitting was that she "could no longer afford to work with Alliant due to my health."

In August, the claimant was experiencing stomach pains and chest pains which she attributed to stress from the workplace. She had previously seen a doctor, perhaps in early August, and her doctor had offered medication which she declined due to concern it would make her too sleepy. On or about August 13 the claimant was having stomach pains that she compared to labor pains; Ms. Keune, her supervisor, made a comment about potential pregnancy that some people in the surrounding office found amusing. The claimant laughed, but was tacitly upset about the comment. Ms. Keune and another employee suggested and offered to take the claimant to an outpatient treatment, but the claimant declined, but she did request and was permitted to leave early. She did not tell Ms. Keune that she felt her pains were caused by stress in the workplace.

Again on August 15 the claimant was allowed to leave after only being at work about a half hour due to not feeling well, this time chest pains, although she did not explain to the employer her symptoms or the reason she felt she was suffering the pains. She called in sick on August 16 and August 17. She came into the office on August 20 for only a few minutes before she vomited and was permitted to go home.

Ms. Keune normally met with each staff person monthly, and had been scheduled to meet with the claimant on August 20. When the claimant went home sick Ms. Keune sent the claimant an e-mail seeking to reschedule. The claimant came in on August 21 only long enough to e-mail a resignation and leave her items such as key card in a fellow employee's desk.

The claimant attributed her stress to feeling isolated in the office. She indicated there had been a number of the regular one-on-one meetings that had been postponed and that had not been rescheduled, but acknowledged she had not responded that she wanted or needed to have any of the missed meetings rescheduled. She felt she had been left out of training, but had not requested any training. She was frustrated that a coworker who caused interpersonal problems by her gossiping had been given a promotion in 2004. She also felt that Ms. Keune showed favoritism to other employees and occasionally snapped at her or was impatient with her. The claimant attempted to discuss some of these issues, particularly the gossiping coworker, with a higher supervisor on August 6, but he had lost interest after a point and the claimant ended the meeting without making any requests for action. She did not pursue any issue higher, such as to the chief information technology officer, even though when she had brought an issue to that officer's attention in 2004 she had gotten some results.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit, she would not be eligible for unemployment insurance benefits unless it was for good cause attributable to the employer.

Iowa Code section 96.5-1-d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

871 IAC 24.26(6)b provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(6) Separation because of illness, injury, or pregnancy.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

The claimant has not presented competent evidence showing adequate health reasons to justify her quitting. Further, before quitting she did not inform the employer of the work-related health problem and inform the employer that she intended to quit unless the problem was corrected or reasonably accommodated. 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 supervisor or coworker is not good cause. 871 IAC 24.25(6), (21), (23). 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). Accordingly, the separation is without good cause attributable to the employer and benefits must be denied.

DECISION:

The representative's September 18, 2007 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of August 21, 2007, 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

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