

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARI L BOWEN
Claimant

APPEAL NO. 10A-UI-04472-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

Y M C A
Employer

OC: 02/21/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 16, 2010, reference 01, fact-finder's decision that denied benefits based upon her separation from the YMCA. After due notice, a telephone conference hearing was held on May 4, 2010. The claimant participated personally. The employer participated by Tom Sisler, Executive Director, and Sherri Penniston, Human Resource/Office Manager.

ISSUE:

The issue is whether the claimant left with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Kari Bowen was employed by the captioned YMCA from January 31, 2007 until February 19, 2010 when she voluntarily quit work after providing two weeks' advanced notice of her intention to leave. Ms. Bowen was employed on a full-time basis and last worked as a membership coordinator. Claimant was paid by the hour. Her immediate supervisor was Lindsey Baker.

Ms. Bowen left her employment indicating to her employer her desire to leave employment in order to resume her educational pursuits. The claimant had indicated no specific areas of dissatisfaction with her employer in the weeks preceding her leaving but indicated on her resignation that there had been a number of issues that had taken place "last year." Work continued to be available to Ms. Bowen at the time of her leaving. The employer considered the claimant to be a good and valued employee and offered to retain the claimant as a part-time employee if she desired to work part time while going to school. After leaving employment, Ms. Bowen resumed her educational pursuits as she previously indicated to the employer.

It is the claimant's position that she left employment due to numerous dissatisfactions with her employment. The claimant had been dissatisfied because some work had backlogged when she had been off work for two months with the authorization of the employer for medical reasons. Claimant also believed that her supervisor at times had been "grumpy" because of the backlog and the claimant's ability to get caught up. Ms. Bowen had gone to the facility's

executive director with some complaints in the past most recently meeting with Mr. Sisler on November 6, 2009. Ms. Bowen continued employment after that date. The claimant was also dissatisfied with a number of warnings that had been issued to her between October 16 and October 20, 2009 but had continued to remain employed after those dates.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily left 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.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if the conditions persist in order to preserve eligibility for benefits. Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

The evidence in the record establishes that the claimant's primary reason for leaving employment on February 19, 2010 was to continue her educational pursuits. The claimant indicated to the facility's executive director and other management individuals her desire to leave work in order to resume her educational pursuits. Although Ms. Bowen had some dissatisfaction with her employment in the past, she had not indicated at or near the time of leaving that she would leave because of specific dissatisfactions. Inasmuch as the claimant did not state or give the employer an opportunity to resolve her complaints prior to leaving employment, the separation was without good cause attributable to the employer. Claimant's primary reason for leaving was personal and not attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated March 16, 2010, reference 01, is affirmed. Claimant quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs