

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BEVERLY K LARUE
Claimant

APPEAL N. 07A-UI-08676-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROTARY ANN HOMES INC
Employer

**OC: 08/19/07 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Beverly K. Larue (claimant) appealed a representative's September 11, 2007 (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Rotary Ann Homes, Inc. (employer) would not be charged because she voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 25, 2007. The claimant participated in the hearing. Kay Sabin, the director of nursing, and Paul Kuenning, the administrator, appeared on the employer's behalf. 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 her employment for reasons that qualify her to receive unemployment insurance benefits, or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer on September 9, 1994. The claimant worked full-time in housekeeping. During the last six years, the claimant worked with a co-worker, A.G., and they did not get along. Two years ago, the claimant and A.G. had a confrontation.

On July 2, 2007, the claimant was cleaning a room, when she noticed the bed linens had chocolate on the sheets, which attracted ants. The claimant changed the bed linens. When the claimant went on her break, A.G. made the comment that the claimant was doing aide work. The claimant did not like this comment and called A.G. a slut. The two raised their voices at one another in the dining area. The claimant again told A.G. she was slut and that she had a problem with A.G. The dietary aide went to Kuenning and reported the confrontation.

Kuenning had both women in an office in an attempt to find out what was behind the confrontation. The claimant was upset and left the office emotionally upset. Sabin followed the claimant. The claimant told Sabin she was unhappy at work and wanted to transfer. The

claimant also indicated she needed a change and was quitting. When the claimant talked to Kuenning again, he understood she wanted to quit and asked her to sign a resignation form. Kuenning told her that for her to continue her employment she had to change her attitude and get along with co-workers. Kuenning also indicated that if she did not resign or change her attitude, that she would not have a job in the future. The claimant signed the resignation form on July 2.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The facts do not establish that the employer discharged the claimant. Instead, the claimant initiated the employment when she told Sabin she needed a change and was going to quit. Even though the employer reprimanded her for not getting along with a co-worker and indicated her employment may not last very long if she did not change her attitude, the claimant made the decision to end her employment on July 2 and quit.

The law presumes a claimant voluntarily quits employment without good cause when she leaves employment because of dissatisfaction with the work environment or leaving after being reprimanded. 871 IAC 24.25 (21) and (28). The claimant established personal reasons for quitting. These reasons do not qualify her to receive unemployment insurance benefits. As of August 19, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 11, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 19, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css