

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JO A GREGG-HOEFES
Claimant

APPEAL NO. 09A-UI-01827-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA STATE UNIVERSITY
Employer

**OC: 12/14/08 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Jo A. Gregg-Hoefs filed a timely appeal from an unemployment insurance decision dated January 29, 2009, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held February 25, 2009 with Ms. Gregg-Hoefs participating. Human Resources Specialist Marlene Burkheimer and Administrative Specialist 3 Shirley Knipfel participated for the employer, Iowa State University.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jo A. Gregg-Hoefs was employed by Iowa State University from 2006 until she resigned December 2, 2008. Beginning in August 2008, she worked as an Administrative Specialist I in the office of the President of the University. Shirley Knipfel was Ms. Gregg-Hoefs' supervisor. Her job consisted of providing administrative support to Allison Rosenberg of the University's Federal Government Relations Office. Ms. Rosenberg worked in Washington D.C. She and Ms. Gregg-Hoefs communicated by telephone and e:mail.

Ms. Gregg-Hoefs found Ms. Rosenberg to be difficult to work with. On one occasion in October, Ms. Gregg-Hoefs left work early because a telephone conversation with Ms. Rosenberg had left her in tears. In November, Ms. Gregg-Hoefs received her three month evaluation on her new position. It stated that significant improvement was required. The evaluation caused such consternation that Ms. Gregg-Hoefs took FMLA leave because of stress. When she returned on December 2, 2008, she submitted her resignation. Further work was available to her had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with 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.

In evaluating the evidence the administrative law judge must consider several provisions of the Iowa Administrative Code. According to 871 IAC 24.26(4), an individual may receive unemployment insurance benefits if the individual has resigned because of intolerable or detrimental working conditions. On the other hand, an individual is disqualified for benefits if the individual has resigned because of inability to work another employee or because of general dissatisfaction with the work environment. See 871 IAC 24.25(6) and (21). Another rule provides that an individual must be disqualified if the individual believes that his or her work performance is not satisfactory but the individual has not been requested to resign and further work was still available. See 871 IAC 24.25(33).

The claimant has the burden of proof. See Iowa Code section 96.6-2. While the evidence establishes that Ms. Rosenberg was a difficult co-worker, it also establishes that work was still available and that Ms. Gregg-Hoefs was new at the particular position. The administrative law judge concludes that the evidence does not establish that working conditions were so deleterious as to constitute intolerance or detrimental working conditions. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated January 29, 2009, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs